1993/45. Discrimination against indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without discrimination as to race, sex, language or religion,

Recognizing the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous peoples,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations,

Recalling also General Assembly resolution 47/75 of 14 December 1992 on the International Year of the World's Indigenous People, 1993,

Taking note with appreciation of the report of the Working Group on its eleventh session (E/CN.4/Sub.2/1993/29 and Add.1-2), and, in particular, of the conclusions and recommendations,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, in particular those contained in Part I, paragraph 20 and Part II, paragraphs 28 to 32 of the Vienna Declaration and Programme of Action (A/CONF.157/23),

1. Expresses its deep appreciation to the Working Group on Indigenous Populations and in particular to its Chairperson-Rapporteur, Ms. Erica-Irene A. Daes, for the work it has accomplished during its eleventh session;

2. Endorses, in particular, the recommendation contained in Part II, paragraph 32 of the Vienna Declaration and Programme of Action of the World Conference on Human Rights, referring to the proclamation by the General Assembly of an international decade of the world's indigenous peoples, to begin from January 1994;

3. Decides to recommend to the Commission on Human Rights the holding of a seminar on indigenous land rights and claims, in which representatives of indigenous peoples, Governments and experts will participate, with a view to considering obstacles and problems related to these issues, and to analysing and evaluating innovative legal procedures and recent court decisions, as well as positive measures taken by States in this area;

4. Also decides to request the Commission on Human Rights to recommend to the Economic and Social Council that the annual report of the Working Group be made more widely available by being issued as a United Nations sales publication;

5. Further decides to request the Commission on Human Rights to recommend to the Economic and Social Council that it approve the participation of the Chairperson-Rapporteur, Mrs. Erica-Irene A. Daes, in the closing ceremony of the International Year of the World's Indigenous People, which will take place in New York;

6. Requests the Secretary-General to consider establishing, as soon as possible, a permanent forum for indigenous peoples in the United Nations system;

7. Also requests the Secretary-General to prepare an annotated agenda for the twelfth session of the Working Group containing, inter alia, the following items: standard-setting activities, review of developments, the study of treaties and agreements and other constructive arrangements with indigenous peoples and States an international decade of the world's indigenous peoples, the Voluntary Fund for Indigenous Populations and the United Nations operational activities and indigenous peoples;

8. Decides to recommend to the Commission on Human Rights the following decision for adoption:

[For the text, see chap. I, sect. B, draft decision 12.]

35th meeting
26 August 1993

[Adopted without a vote. See chap. XV.]

1993/46. Draft United Nations declaration on the rights of indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1992/33 of 27 August 1992, 1991/30 of 29 August 1991 and 1985/22 of 29 August 1985,

Taking into account, in particular, paragraph 2, of its resolution 1992/33, in which it endorsed the plan adopted by its Working Group on Indigenous Populations at its tenth session for the completion of the second reading of the text of the draft declaration on the rights of indigenous peoples at its eleventh session and the possible submission of the draft declaration to the Sub-Commission at its forty-fifth session,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992, paragraph 12 of Commission on Human Rights resolution 1993/30 of 5 March 1993, paragraph 6 (a) of Commission resolution 1993/31 of 5 March 1993 and paragraph II.28 of the Vienna Declaration and Programme of Action (E/CN.4/Sub.2/1993/23),

Having considered the report of the Working Group in Indigenous Populations on its eleventh session (E/CN.4/Sub.2/1993/29 and Add.1-2),

Taking into account the contents of chapter X of that report,

Welcoming the conclusion of the deliberations of the Working Group on the draft declaration on the rights of indigenous peoples,

1. Expresses its satisfaction at the conclusion of the deliberations on the draft declaration on the rights of indigenous peoples by the Working Group on Indigenous Populations at its eleventh session;

2. Expresses its gratitude to the Chairperson-Rapporteur of the Working Group, Mrs. Erica-Irene A. Daes, for her contribution to the process of drafting the draft declaration;

3. Decides:

(a) That the draft declaration shall be entitled "United Nations Declaration on the Rights of Indigenous Peoples";

(b) To postpone until its forty-sixth session consideration of the draft declaration agreed upon by the members of the Working Group in private meetings during its eleventh session and contained in annex I to the report of the Working Group (E/CN.4/Sub.2/1993/29);

(c) To request the Secretary-General to submit the draft declaration, as soon as possible, to the appropriate services within the Centre for Human Rights for its technical revision;

(d) To request also the Secretary-General to transmit the text of the draft declaration to indigenous peoples and organizations, Governments and intergovernmental and non-governmental organizations, as soon as the technical revision of the draft declaration is completed and no later than 31 March 1994, and to include in the note of transmittal an explicit reference to the fact that no further amendments to the technically revised text will be accepted during the future standard-setting proceedings of the Working Group;

(e) To consider the draft United Nations declaration at its forty-sixth session, in 1994, and, if possible, to submit it to the Commission on Human Rights with the recommendation that the Commission consider and adopt it at its fifty-first session, in 1995, on the understanding that the report of the Working Group on its twelfth session will contain a summary of general views expressed by the participants on the draft declaration;

4. Recommends to the Commission on Human Rights and to the Economic and Social Council to take special measures to enable indigenous peoples to participate fully and effectively, without regard to consultative status, in the consideration of the draft United Nations declaration.

35th meeting
26 August 1993

[Adopted without a vote. See chap. XV.]

B. Decisions

1993/101. Organization of work

At its 2nd meeting, on 3 August 1993, the Sub-Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 4: Mr. Luis Varela Quiros, to submit his final report on discrimination against HIV-infected people or people with AIDS (E/CN.4/Sub.2/1993/9);

(b) In connection with item 4: Mr. Theo van Boven, to submit the final report on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (E/CN.4/Sub.2/1993/8);

(c) In connection with item 10 (d): Mr. William Treat, to submit his third report on the right to a fair trial together with Mr. Stanislav Chernichenko (E/CN.4/Sub.2/1993/24 and Add.1-2);

(d) In connection with item 15: Mr. Vitit Muntarbhorn, Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography (pursuant to Commission resolution 1993/82 of 10 March 1993);

(e) In connection with the report of the Commission on Human Rights on its forty-ninth session (E/1993/23-E/CN.4/1993/122): Mr. Mohamed Ennaceur, Chairman of the forty-ninth session of the Commission on Human Rights.

[See chap. III.]

1993/102. Adoption of the agenda of the forty-fifth session of the Sub-Commission

At its 2nd meeting, on 3 August 1993, the Sub-Commission decided, without a vote: (i) To replace agenda item 5 (b), entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of south Africa", by a new subitem, entitled "Monitoring of the transition to democracy in South Africa"; (ii) To include a new item, entitled "Implications of humanitarian activities for the enjoyment of human rights", on the agenda, as item 19.

[See chap. III.]

1993/103. Establishment of a sessional working group on detention

At its 2nd meeting, on 3 August 1993, the Sub-Commission decided, without a vote, to establish a sessional working group on detention.

[See chap. III.]

1993/104. Question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII)

At its 15th meeting, on 12 August 1993, the Sub-Commission decided, without a vote, to study the question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, including the possible abolition of that procedure, at its forty-sixth session, under item 3 of its provisional agenda, and requested the secretariat to prepare a working paper on the subject for consideration at that session and to obtain the opinion of the United Nations Legal Counsel on the interpretation to be given to paragraph 10 of resolution 1503 (XLVIII).

[See chap. VII.]

1993/105. Decision taken under agenda item 10

At its 19th meeting, on 16 August 1993, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, by 6 votes to 4, with 7 abstentions, to request its Chairman to request the competent authorities of the United States of America to provide official information to the Sub-Commission on the incident that took place on 29 July 1993 in Laredo, Texas, in connection with a donation intended for religious institutions in Cuba, which resulted in a hunger strike maintained for 17 days by 13 persons who considered that they were prevented from exercising their civil rights and whose health was deteriorating.

[See chap. XI.]

1993/106. Voting by secret ballot on proposals pertaining to allegations of violations of human rights in countries

At its 26th meeting, on 20 August 1993, the Sub-Commission decided, without a vote, pursuant to Economic and Social Council resolution 1991/32 of 31 May 1991, to vote by secret ballot, whenever such a vote was requested, on proposals pertaining to allegations of violations of human rights in countries, including proposals of a procedural nature relating to proposals of a substantive nature.

[See chap. VII.]

1993/107. Situation in Tibet

At its 26th meeting, on 20 August 1993, the Sub-Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, by secret ballot, by 17 votes to 6, with 2 abstentions, to take no decision on draft resolution E/CN.4/Sub.2/1993/L.26.

[See chap. VII.]

1993/108. Arbitrary and summary executions

At its 33rd meeting, on 25 August 1993, the Sub-Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, by secret ballot by 17 votes to 7, with 1 abstention, to take no decision on draft resolution E/CN.4/Sub.2/1993/L.21.

[See chap. XI.]

1993/109. Question of the privatization of prisons

At its 33rd meeting, on 25 August 1993, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, having discussed the outline prepared by Mrs. Claire Palley on this question (E/CN.4/Sub.2/1993/21), expressed its deep satisfaction at the results of her work and decided, without a vote, to request the Commission on Human Rights to authorize the Sub-Commission at its forty-sixth session to appoint one of its members to undertake a special study, inter alia on all the issues mentioned in chapter IV of the above-mentioned outline.

[See chap. XI.]

1993/110. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 35th meeting, on 26 August 1993, the Sub-Commission, recalling its resolutions 1990/28 of 31 August 1990 and 1989/38 of 1 September 1989 and its decisions 1992/110 of 24 August 1992 and 1991/111 of 29 August 1991, welcomed the discussions held at the eleventh session of the Working Group on Indigenous Populations on the first progress report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations (E/CN.4/Sub.2/1992/32), submitted in 1992 by the Special Rapporteur, Mr. Miguel Alfonso Martínez, and decided, without a vote, to reiterate its request to the Special Rapporteur to submit a second progress report on the study to the Working Group at its twelfth session and to the Sub-Commission at its forty-sixth session. It also decided to request the Secretary-General to give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultation with the Centre for Human Rights. The Sub-Commission further decided to recommend to the Commission on Human Rights that it request the Economic and Social Council to endorse its decision.

[See chap. XV.]

1993/111. Composition of the pre-sessional working groups of the Sub-Commission

At its 36th meeting, on 27 August 1993, the Sub-Commission approved the following composition of the pre-sessional working groups of the Sub-Commission, with the understanding that, in view of the forthcoming elections for half of the members of the Sub-Commission, to be held during the fiftieth session of the Commission on Human Rights, the Chairman of the Sub-Commission, in consultation with the regional groups, would take the necessary action to replace any members of the pre-sessional working groups not re-elected to the Sub-Commission.

[See chaps. X and XVI.]

Regional Groups	Communications	Indigenous Populations	Contemporary Forms of Slavery
ASIA	Mr. Tian Jin	Mr. Hatano	Mr. Ul-Hakim
AFRICA	Mr. Yimer	Mr. Ramadhane Mr. Khalil (alternate)	Mrs. Warzazi
LATIN AMERICA	Mrs. Forero Mr. Heller (alternate)	Mr. Alfonso Martínez Mr. Despouy (alternate)	Mr. Saboia Mrs. Ferriol Echevarría (alternate)
WESTERN EUROPE	Mrs. Palley	Mrs. Daes	Mr. Bossuyt
EASTERN EUROPE	Mr. Ramishvili	Mr. Boutkevitch	Mr. Maxim

III. ORGANIZATION OF THE FORTY-FIFTH SESSION

A. Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its forty-fifth session at the United Nations Office at Geneva from 2 to 27 August 1993. It held 36 meetings (E/CN.4/Sub.2/1993/SR.1-36 and Adds.) during the session, of which three meetings were extended to the equivalent of five additional meetings.

2. The session was opened by Mr. Miguel Alfonso Martínez, Chairman of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities at its forty-fourth session, who made a statement. On behalf of the Assistant-Secretary-General for Human Rights, a representative of the Centre for Human Rights addressed the Sub-Commission at its 1st meeting. At its 18th meeting, on 16 August 1993, the Assistant-Secretary-General for Human Rights addressed the Sub-Commission.

B. Attendance

3. The session was attended by members of the Sub-Commission, by observers from States Members of the United Nations, by observers from non-member States and by representatives of intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex II to the present report.

C. Election of officers

4. At its 1st meeting, on 2 August 1993, the Sub-Commission elected the following officers by acclamation:

Chairman:	Mr. Awn Shawkat Al-Khasawneh
Vice-Chairmen:	Mr. Fisseha Yimer Mrs. Clemencia Forero Ucros Mr. Asbjørn Eide
Rapporteur:	Mr. Ioan Maxim

D. Adoption of the agenda

5. Also at its 1st meeting, the Sub-Commission had before it the provisional agenda for the forty-fifth session (E/CN.4/Sub.2/1993/1 and Add.1), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its forty-fourth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

6. At the same meeting, statements were made with regard to the provisional agenda for the forty-fifth session by Mr. Alfonso Martínez, Mrs. Chavez, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mr. Hakim, Mr. Heller, Mr. Joinet, Mr. Khalifa, Mrs. Palley, Mr. Sachar and Mrs. Warzazi.

7. Mr. Khalifa proposed the replacement of agenda item 5 (b), entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa", by a new subitem, entitled "Monitoring of the transition to democracy in South Africa".

8. Mrs. Warzazi proposed the inclusion of a new item on the agenda dealing with the question of humanitarian intervention and assistance.

9. At the same meeting, the agenda was adopted without a vote, subject to the proposed amendments being decided upon later.

10. At its 2nd meeting, on 3 August 1993, upon the recommendation of its officers, the Sub-Commission decided: (i) to replace agenda item 5 (b) by a new subitem entitled "Monitoring the transition to democracy in South Africa" and (ii) to include on the agenda as item 19 a new item entitled "Implications of humanitarian activities for the enjoyment of human rights" and to renumber the original items 19 and 20 accordingly.

11. For the text of the decision, see chapter II, section B, decision 1993/102.

12. The agenda as revised was adopted without a vote. For the text, see annex I to the present report.

E. Organization of work

13. At its 2nd meeting, on 3 August 1993, upon the recommendation of its officers, the Sub-Commission decided to invite a number of experts and Special Rapporteurs to participate in the meetings at which their reports were to be considered.

14. For the text of the decision as adopted, see chapter II, section B, decision 1993/101.

15. Also at its 2nd meeting, the Sub-Commission accepted the recommendation of its officers regarding the order of statements and limitation of the frequency and duration of statements, taking into account the guidelines the Sub-Commission had adopted at its forty-fourth session concerning its methods of work (resolution 1992/8). Statements could be made by members at any time. Statements by observers for organizations would be given priority over those by government observers. Members of the Sub-Commission were to be limited to statements of 20 minutes; observers from non-governmental and intergovernmental organizations and States to one statement of 10 minutes, and on composite items to a second statement of 5 minutes. It was also agreed

that, with regard to statements equivalent to the right of reply, a first statement would be limited to 5 minutes and a second to 3 minutes. Special Rapporteurs would be permitted to speak for 35 minutes on their reports, to be divided between the introduction of the report and the concluding remarks.

16. Also, at its 2nd meeting, the Sub-Commission, bearing in mind the respective priority of the items and the availability of the relevant documentation, accepted the recommendation of its officers to consider the items on its agenda in the following order: 1, 2, 3, 5, 13, 15, 16, 6, 18, 12, 10, 11, 4, 7, 8, 14, 17, 9, 19, 20.

17. Also at its 2nd meeting, the Sub-Commission decided, without a vote, to set up a sessional working group on detention.

18. At the 6th meeting, on 5 August 1993, the Chairman announced that the Working Group on Detention would be composed of Mr. Alfonso Martínez, Mr. Boutkevitch, Mrs. Chavez, Mr. Despouy, Mr. Guissé and Mr. Sachar. Mr. Alfonso Martínez would replace Mr. Despouy during his absence.

19. For the text of the decision, see chapter II, section B, decision 1993/103.

F. Meetings, resolutions and documentation

20. Written communications transmitted by Governments and non-governmental organizations for circulation at the forty-fifth session of the Sub-Commission are mentioned in the chapter on the items to which the communications refer.

21. The Sub-Commission adopted resolutions 1993/1 to 1993/46 and took 11 decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B respectively.

22. Draft resolutions and decisions for action or consideration by the Commission on Human Rights are set out in chapter I, sections A and B respectively.

23. Information concerning the administrative and programme budget implications of the resolutions and decisions adopted by the Sub-Commission at its forty-fifth session is provided in annex III.

24. A list of the resolutions referring to matters drawn to the attention of the Commission on Human Rights is contained in annex IV.

25. A list of studies under preparation, drawn up in accordance with Commission on Human Rights resolution 1982/23, appears in annex V.

26. A list of documents issued for the forty-fifth session of the Sub-Commission appears in annex VI.

G. Other matters

27. At its 1st meeting, on 2 August 1993, the Sub-Commission, in accordance with its decision 1985/109, observed a minute of silence in honour of the victims of the evil and inhuman system of apartheid in South Africa.

28. Also at its 1st meeting, the Chairman of the forty-fourth session made a statement on behalf of the Sub-Commission, expressing condolences on the death on 31 July 1993 of King Baudouin of Belgium. Statements were also made by Mr. Bossuyt and the observer for Belgium.

29. At the 5th meeting, on 4 August 1993, the Chairman of the forty-fifth session of the Sub-Commission read out the following statement on behalf of the Sub-Commission:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> Recalling the repeated reaffirmations by the Security Council that any taking of territory by force or any practice of ethnic cleansing is unlawful and unacceptable and will not be permitted to affect the outcome of the negotiations on constitutional arrangements for the Republic of Bosnia and Herzegovina, and its insistence that all displaced persons be enabled to return in peace to their homes,
>
> Deeply disturbed by the fact that the draft constitutional agreement for what is therein referred to as the Union of Republics of Bosnia and Herzegovina constitutes a de facto partition of the Republic of Bosnia and Herzegovina on ethnic and religious grounds,
>
> Appeals to the international community to:
>
> (a) Reject any partition which results from aggression, intervention and massive violation of human rights, in particular the abhorrent practice of ethnic cleansing that has developed into religious cleansing;
>
> (b) Deny the validity of any agreement sought to be obtained under extreme duress from the Government of the Republic of Bosnia and Herzegovina for purposes other than a cessation of hostilities paving the way for the subsequent achievement of a peaceful settlement based on the principles of the Charter of the United Nations, including respect for human rights and fundamental freedoms."

30. At the 28th meeting, on 23 August 1993, Mrs. Attah and Mr. Saboia made statements with regard to the incident that had taken place in Brazil, involving the alleged killing of over 80 Yanomanis.

31. At the 34th meeting, on 26 August 1993, the Chairman read out a letter addressed to him by the Permanent Representative of Peru to the United Nations Office at Geneva, with regard to the alleged killing of 61 indigenous men, women and children of the Ashaninka population.

32. The letter was issued as an official document (E/CN.4/Sub.2/1993/43).

33. At the same meeting, the Chairman proposed to the members of the Sub-Commission to make a proposal for possible action with regard to the above-mentioned alleged killing.

34. No action was taken by the Sub-Commission.

35. At the 35th meeting, on 26 August 1993, a joint statement was made by non-governmental organizations with regard to the status of, and improvement in, the work and effectiveness of the Sub-Commission.

IV. REVIEW OF THE WORK OF THE SUB-COMMISSION

36. The Sub-Commission considered agenda item 3 at its 2nd, 4th, 12th and 26th meetings, on 3, 4, 11 and 20 August 1993.

37. At the 12th meeting, on 11 August 1993, the Chairman of the forty-ninth session of the Commission on Human Rights, H.E. Mr. M. Ennaceur, addressed the Sub-Commission.

38. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (2nd and 4th), Mrs. Attah (2nd), Mr. Chernichenko (2nd), Mrs. Daes (2nd), Mr. Eide (2nd), Mr. Guissé (2nd), Mr. Khalifa (2nd and 3rd) and Mrs. Warzazi (2nd).

39. At the 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.5, sponsored by Mr. Eide, Mr. Maxim and Mr. Yimer.

40. Mrs. Ksentini proposed amending the draft resolution by adding the following text to operative paragraph 4:

> "as well as on the means to ensure the follow-up of recommendations and conclusions of studies undertaken under the auspices of the Sub-Commission;"

41. Mr. Bossuyt proposed the following amendments:

(a) Delete the first three operative paragraphs, which read as follows:

> "1. Decides to initiate a programme of familiarization of the work of the Sub-Commission for new members and alternates;
>
> "2. Requests the Secretary-General, as a first step, to prepare a basic information kit about the Sub-Commission, the Commission and the other human rights bodies of the United Nations, with particular emphasis on the substantive issues examined and the procedures used by the Sub-Commission in its work. This information kit should be presented to the newly elected members of the Sub-Commission and their alternates upon their election by the Commission in 1994;
>
> "3. Recommends that, in addition to completed Sub-Commission studies being published when so decided by the relevant bodies, a brief summary of each completed study be prepared and given the widest possible distribution in various languages;"

1/ The number in parentheses following the names of States or organizations indicates the meeting at which the statement was made.

(b) Renumber operative paragraph 4, as amended, as operative paragraph 1.

42. The proposed amendments were accepted by the sponsors.

43. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Eide, Mr. Heller, Mr. Joinet, Mrs. Ksentini and Mrs. Warzazi.

44. The draft resolution, as amended, was adopted without a vote.

45. For the text of the resolution, see chapter II, section A, resolution 1993/4.

V. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

46. The Sub-Commission considered item 4 at its 2nd, 6th, 7th, 20th, 22nd to 27th, 33rd and 34th meetings on 3, 5, 6, 17 to 25 and 26 August 1993.

47. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General (E/CN.4/Sub.2/1993/2);

Memorandum submitted by the International Labour Office (E/CN.4/Sub.2/1993/3);

Report submitted by the United Nations Educational, Scientific and Cultural Organization: UNESCO activities concerning promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/Sub.2/1993/4);

Progress report on the question of the impunity of perpetrators of violations of human rights prepared by Mr. Guissé and Mr. Joinet, pursuant to Sub-Commission resolution 1992/23 (E/CN.4/Sub.2/1993/6);

Human rights and the environment: second progress report prepared by Mrs. Fatma Zohra Ksentini, Special Rapporteur (E/CN.4/Sub.2/1993/7);

Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms: final report submitted by Mr. Theo van Boven, Special Rapporteur (E/CN.4/Sub.2/1993/8);

Discrimination against HIV-infected people or people with AIDS: conclusions and recommendations: final report submitted by Mr. Luis Varela Quirós, Special Rapporteur (E/CN.4/Sub.2/1993/9);

Definition of gross and large-scale violations of human rights as an international crime: working paper submitted by Mr. Stanislav Chernichenko in accordance with Sub-Commission decision 1992/109 (E/CN.4/Sub.2/1993/10 and Corr.1);

Preparatory document submitted by Mrs. Claire Palley on the question of the role of the United Nations in international humanitarian activities and assistance and human rights enforcement, bearing in mind the principle of non-interference (E/CN.4/Sub.2/1993/39);

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/1);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/24);

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/26).

48. At the 21st meeting, on 17 August 1993, Mr. Theo van Boven, Special Rapporteur, introduced his final report (E/CN.4/Sub.2/1993/8). Mr. S. Chernichenko, in his function as commentator in accordance with guideline No. 5 adopted by the Sub-Commission at its forty-fourth session (resolution 1992/8, annex), made his observations.

49. At the same meeting, Mr. Joinet introduced the progress report prepared by Mr. Guissé and himself (E/CN.4/Sub.2/1993/6).

50. At the 22nd meeting, on 18 August 1993, Mr. Chernichenko introduced his working paper (E/CN.4/Sub.2/1993/10).

51. At the same meeting, Mrs. Ksentini, Special Rapporteur, introduced her second progress report (E/CN.4/Sub.2/1993/7).

52. At the 23rd meeting, on 18 August 1993, Mr. Varela Quirós, Special Rapporteur, presented his final report (E/CN.4/Sub.2/1993/9).

53. At the same meeting, Mrs. Warzazi, Special Rapporteur, made a statement concerning the elimination of harmful traditional practices affecting the health of women and children.

54. At the 27th meeting, on 20 August 1993, a representative of the secretariat made a statement with respect to questions raised by Mrs. Warzazi.

55. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (6th), Mrs. Attah (21st), Mr. Boutkevitch (23rd), Mr. Chernichenko (21st, 24th), Mr. Despouy (24th), Mr. Eide (22nd), Mr. Guissé (21st, 22nd, 23rd, 25th), Mr. Heller (23rd), Mr. Joinet (21st, 23rd), Mr. Khalifa (2nd), Mr. Khalil (24th), Mrs. Ksentini (21st, 24th), Mr. Merrills (23rd), Mrs. Palley (20th), Mr. Sachar (22nd), Mr. Tian Jin (25th), Mrs. Warzazi (2nd, 6th, 21st, 23rd, 24th), Mr. Yimer (2nd).

56. The representative of the World Health Organization made a statement (23rd).

57. A statement was also made by the observer for the Democratic People's Republic of Korea (25th).

58. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (27th), American Association of Jurists (23rd), Andean Commission of Jurists (25th), Centre Europe Tiers Monde (25th), Disabled Peoples' International (25th), Habitat International Coalition (23rd), Human Rights Advocates, Inc. (27th), International Association against Torture (25th), International Association of Democratic Lawyers (25th),

International Association of Educators for World Peace (22nd), International Commission of Jurists (20th), International Educational Development (27th), International Fellowship of Reconciliation (20th), International Lesbian and Gay Association (6th), International League for the Rights and Liberation of Peoples (25th), Latin American Federation of Associations of Relatives of Disappeared Detainees (27th), Liberation (20th), National Aboriginal and Islander Legal Service Secretariat (25th), Service Peace and Justice in Latin America (27th), Sierra Club Legal Defense Fund, Inc. (25th), Third World Movement against the Exploitation of Women (25th,, War Amputations of Canada (25th), World University Service (25th).

59. Statements equivalent to a right of reply were made by the observers for the Islamic Republic of Iran (21st), Japan (21st), Turkey (23rd) and Uruguay (25th).

60. At the 22nd meeting, on 18 August 1993, Mr. van Boven, Special Rapporteur, made his concluding remarks.

Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

61. At the 33rd meeting, on 25 August, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.32, sponsored by Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mrs. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Khalil, Mrs. Palley, Mr. Ramadhane, Mr. Sachar, Mrs. Warzazi, Mr. Yimer and Mr. Yokota. Mrs. Ksentini subsequently joined the sponsors.

62. Mr. Bossuyt, on behalf of the sponsors, revised the French text of the draft resolution by replacing in operative paragraph 2 the word "sérieuse" by the word "approfondie".

63. Mrs. Ksentini proposed inserting, in operative paragraph 2, after the word "thoroughly" the words "in all its aspects".

64. Mr. Alfonso Martínez proposed inserting, in operative paragraph 5, between the words "establish" and "a sessional working group" the words "if necessary".

65. The amendment was accepted by the sponsors.

66. A statement relating to the draft resolution and the revision and amendments was made by Mr. Guissé.

67. The draft resolution, as revised and amended, was adopted without a vote.

68. For the text as adopted, see chapter II, section A, resolution 1993/29.

Definition of gross and large-scale violations of human rights as an international crime

69. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1993/L.38, sponsored by Mrs. Attah, Mr. Boutkevitch, Mrs. Chavez, Mrs. Daes, Mr. Eide, Mr. Yokota, Mr. Heller, Mr. Khalil and Mr. Ramadhane.

70. Mrs. Ksentini proposed the following amendments to operative paragraphs 2 and 6:

(a) Insert after the words "gross and", the word "or";

(b) Delete the words "perpetrated on the orders of Governments or sanctioned by them".

71. Statements relating to the draft resolution and the proposed amendments were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Despouy, Mr. Joinet, Mrs. Ksentini and Mrs. Warzazi.

72. Mrs. Ksentini withdrew the proposed amendments.

73. Mrs. Warzazi proposed replacing, in operative paragraph 2, the word "appoint" by the words "recommend to the Commission on Human Rights the appointment of".

74. The Chairman proposed amending the title of the draft resolution by replacing the word "definition" by the word "recognition".

75. These amendments were accepted by the sponsors.

76. The draft resolution, as amended, was adopted without a vote.

77. A statement on the estimate of the programme budget implications of implementing the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

78. In reply to questions raised by Mr. Alfonso Martínez, the representative of the Secretary-General gave a further clarification.

79. For the text as adopted, see chapter II, section A, resolution 1993/30.

Final report on the study on problems and causes of discrimination against HIV-infected people or people with AIDS

80. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1993/L.40, sponsored by Mrs. Attah, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mrs. Warzazi, Mr. Yimer and Mr. Yokota. Mr. Maxim subsequently joined the sponsors.

81. Mr. Guissé proposed amending the draft resolution by inserting, in operative paragraph 7, after the words "and child prostitution" the words "in that it constitutes a serious risk of AIDS transmission".

82. Mr. Alfonso Martínez proposed deleting operative paragraph 2 and renumbering the subsequent paragraphs accordingly. Operative paragraph 2 read:

> "2. Calls upon all States to review their laws, policies and practices in the context of HIV and AIDS and to ensure that they respect human rights standards, including the general prohibition of discrimination on the ground of any status, bearing in mind the total absence of any objective or reasonable criteria, or any public health consideration, which could justify any other approach;".

83. Both amendments were accepted by the sponsors.

84. The draft resolution was adopted without a vote.

85. For the text as adopted, see chapter II, section A, resolution 1993/31.

Human rights and the environment

86. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.41, sponsored by Mr. Alfonso Martínez, Mrs. Attah, Mr. Boutkevitch, Mr. Chernichenko, Mrs. Daes, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer. Mr. Alfonso Martínez and Mr. Maxim subsequently joined the sponsors.

87. Mrs. Warzazi made the following revision:

> Add, in operative paragraph 6, after the word "bodies", the words "created pursuant to international human rights instruments".

88. Mr. Bossuyt proposed the following amendment:

> Delete, at the end of operative paragraph 6, the words "and to invite the Special Rapporteur to participate in the meetings".

89. Mrs. Ksentini proposed the following amendment:

> Replace, in operative paragraph 6 and in the corresponding text in operative paragraph 10, the words "Chairmen of human rights bodies" by the words "persons chairing human rights treaty-monitoring bodies to include the question of the right to environment on the agenda of their next meeting, and if they so wish,".

90. The amendment proposed by Mrs. Ksentini was accepted by the sponsors.

91. Statements relating to the draft resolution and the amendment thereto were made by Mr. Alfonso Martínez, Mr. Despouy, Mr. Heller, Mrs. Ksentini and Mrs. Palley.

92. The draft resolution was adopted without a vote.

93. For the text as adopted, see chapter II, section A, resolution 1993/32.

Traditional practices affecting the health of women and children

94. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.50, sponsored by Mrs. Attah, Mr. Bossuyt, Mrs. Daes, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Hakim, Mr. Khalil and Mr. Yimer.

95. Mrs. Warzazi proposed the following amendment:

Insert, in the third preambular paragraph, after the words "nutritional taboos", the words "and other harmful practices".

96. The amendment was accepted by the sponsors.

97. Statements relating to the draft resolution and the proposed amendment were made by Mr. Despouy, Mr. Heller, Mr. Joinet and Mrs. Palley.

98. The draft resolution, as amended, was adopted without a vote.

99. For the text as adopted, see chapter II, section A, resolution 1993/33.

Question of the impunity of perpetrators of violations of human rights

100. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.51, sponsored by Mr. Despouy, Mr. Eide, Mr. Khalil and Mr. Yokota.

101. Mr. Joinet proposed the following amendments:

(a) Replace, in the second preambular paragraph and operative paragraph 3, the words "economic and social rights" by the words "economic, social and cultural rights";

(b) Add, at the end of operative paragraph 1, the words: "and shares the opinion of the Special Rapporteurs that they should undertake a study in two stages";

(c) Replace, in operative paragraph 2, the words "a report on the first aspects of the question of impunity" by the words "a report, including conclusions and recommendations, on the first aspect of the question of impunity, with respect to civil and political rights";

(d) Replace in operative paragraph 3, the words "a working paper in preparation for the study of" by the words "their study on".

102. The amendments were accepted by the sponsors.

103. Statements relating to the amendments were made by Mr. Alfonso Martínez and Mrs. Ksentini.

104. The Sub-Commission decided to postpone consideration of draft resolution E/CN.4/Sub.2/1993/L.51.

105. At its 34th meeting, on 26 August 1993, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1993/L.51.

106. Statements relating to the draft resolution were made by Mr. Alfonso Martínez and Mr. Joinet.

107. The draft resolution, as amended, was adopted without a vote.

108. For the text as adopted, see chapter II, section A, resolution 1993/37.

VI. ELIMINATION OF RACIAL DISCRIMINATION

A. Measures to combat racism and racial discrimination and the role of the Sub-Commission

109. The Sub-Commission considered sub-item (a) of agenda item 5 at its 2nd, 3rd, 4th, 5th, 6th, 17th and 18th meetings on 3, 4, 5, 13 and 16 August 1993.

110. The Sub-Commission had before it a letter dated 4 August 1993 from the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities addressed to the President of Bosnia and Herzegovina, the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and the Secretary-General of the United Nations (E/CN.4/Sub.2/1993/38).

111. In the general debate on the sub-item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (5th, 6th), Mrs. Attah (2nd, 5th), Mr. Bossuyt (3rd, 5th), Mr. Boutkevitch (3rd), Mrs. Chavez (3rd), Mr. Chernichenko (2nd, 4th, 5th, 6th), Mrs. Daes (4th), Mr. Eide (2nd, 3rd, 4th, 5th), Mrs. Forero Ucros (2nd), Mr. Guissé (3rd, 5th, 6th), Mr. Hakim (2nd), Mr. Hatano (5th), Mr. Heller (2nd, 5th), Mr. Joinet (3rd, 4th), Mr. Khalifa (4th), Mr. Maxim (3rd, 5th), Mrs. Palley (2nd, 3rd), Mr. Sachar (2nd, 5th), Mr. Tian Jin (3rd, 5th), Mrs. Warzazi (2nd, 3rd, 4th, 5th) and Mr. Yimer (2nd).

112. Statements were made by the observers for Albania (5th), China (6th), Nigeria (5th), the Syrian Arab Republic (6th) and Turkey (6th).

113. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Centre Europe-Tiers Monde (6th), International Association against Torture (6th), International Council of Jewish Women (5th), International Federation of Human Rights (6th), International Fellowship of Reconciliation (5th), Minority Rights Group (6th), Movement against Racism and for Friendship among Peoples (6th).

114. Statements equivalent to the right of reply were made by the observers for Estonia (6th) and Latvia (6th).

115. At the 17th meeting, on 13 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.3, sponsored by Mr. Alfonso Martínez, Mr. Eide, Mr. Heller, Mr. Khalil, Mrs. Ksentini, Mr. Hakim, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer. Mrs. Attah subsequently joined the sponsors.

116. Statements with regard to the draft resolution were made by Mr. Alfonso Martínez, Mrs. Attah, Mr. Bossuyt, Mrs. Chavez, Mrs. Daes, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Heller, Mr. Joinet, Mrs. Ksentini, Mr. Sachar and Mrs. Warzazi.

117. Mr. Bossuyt proposed amending the draft resolution by replacing operative paragraph 2, which read: "Recommends that the Special Rapporteur begin his mandate by examining the situation in the regions of the world where theories and attitudes of racial superiority originated and were most widespread, that is to say in Europe and in other regions predominantly settled by persons of European origin" by the following paragraph:

> "Recommends that the Special Rapporteur examine the situation in all regions of the world, paying particular attention to the regions where theories and attitudes of racial superiority are most widespread."

118. Mr. Sachar proposed replacing the same paragraph by the following:

> "Recommends that the Special Rapporteur study this aspect in full and begin his mandate by examining the situation in Europe."

119. Mr. Hakim proposed amending the same paragraph by replacing the words "originated and were" with the words "are at present".

120. Mr. Heller proposed the following amendment to operative paragraph 2: to replace the remainder of the sentence, after "Recommends that the Special Rapporteur begin his mandate", by "paying particular attention to the incidents which are increasing in the developed countries, as well as to the theories and attitudes which give rise to them".

121. Mrs. Warzazi proposed replacing in operative paragraph 2 the word "begin" with the words "carry out".

122. The Sub-Commission decided to postpone its consideration of draft resolution E/CN.4/Sub.2/1993/L.3.

123. At the 19th meeting, on 16 August 1993, the Chairman proposed amending the draft resolution by replacing operative paragraph 2 with a new paragraph.

124. The draft resolution, thus amended, was adopted without a vote.

125. For the text of the resolution as adopted, see chapter II, section A, resolution 1993/3.

B. Monitoring the transition to democracy in South Africa

126. The Sub-Commission considered sub-item (b) of agenda item 5 at its 4th, 5th, 6th and 16th meetings, on 4, 5, 6 and 13 August 1993.

127. In connection with its consideration of the sub-item, the Sub-Commission had before it the preliminary report on monitoring the transition to democracy in South Africa, submitted by Mrs. Judith Sefi Attah, Special Rapporteur, pursuant to Sub-Commission resolution 1992/6 (E/CN.4/Sub.2/1993/11).

128. At the 4th meeting, on 4 August 1993, the Special Rapporteur introduced her report.

129. In the general debate on the sub-item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (6th), Mr. Bossuyt (6th), Mrs. Daes (4th), Mrs. Forero Ucros (5th), Mr. Guissé (4th), Mr. Joinet (4th), Mr. Khalifa (4th, 6th), Mrs. Palley (4th), Mr. Tian Jin (5th), Mrs. Chavez (4th), Mrs. Warzazi (4th) and Mr. Yimer (4th, 6th).

130. Statements were made by the observers for China (6th), the Democratic People's Republic of Korea (5th), Egypt (6th), Mauritius (5th), Nigeria (5th), the Syrian Arab Republic (6th) and the United Republic of Tanzania (6th).

131. A statement was made by the observer for the Pan-Africanist Congress of Azania (5th).

132. At the 6th meeting, on 6 August 1993, the Special Rapporteur made her concluding remarks.

133. At the 17th meeting, on 13 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.2, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Mrs. Chavez, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mrs. Forero Ucros, Mr. Genot, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Khalifa, Mrs. Mbonu, Mrs. Palley, Mr. Sachar, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer. Mrs. Attah and Mr. Saboia subsequently joined the sponsors.

134. The draft resolution was adopted without a vote.

135. For the text of the resolution as adopted, see chapter II, section A, resolution 1993/1.

VII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

136. The Sub-Commission considered item 6 at its 10th to 17th, 26th, 27th and 29th meetings, on 10 to 13, 20 and 23 August 1993.

137. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General (E/CN.4/Sub.2/1993/12);

Note by the Secretary-General (E/CN.4/Sub.2/1993/13);

Situation in East Timor: note by the secretariat (E/CN.4/Sub.2/1993/14);

Letter dated 26 July 1993 addressed to the Centre for Human Rights by the Permanent Representative of Peru to the United Nations Office at Geneva (E/CN.4/Sub.2/1993/37);

Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/3);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/5);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization (category II) (E/CN.4/Sub.2/1993/NGO/10);

Joint written communication submitted by World Confederation of Labour and the World Federation of Trade Unions, non-governmental organizations in category I, American Association of Jurists, International Association of Penal Law, International Association of Democratic Lawyers, International Association for the Defence of Religious Liberty, Women's International League for Peace and Freedom, Pax Christi International and Pax Romana, non-governmental organizations in category II, and Centre Europ Tiers Monde, International Educational Development, International Falcon Movement - Socialist Educational International, International Movement against all Forms of Discrimination and Racism, Movement against Racism and for Friendship among Peoples, World Organization against Torture, non-governmental organizations on the Roster (E/CN.4/Sub.2/1993/NGO/16);

Written statement submitted by the International Human Rights Law Group, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/18);

Written statement submitted by International Educational Development Inc., a non-governmental organization on the Roster (E/CN.4/Sub.2/1993/NGO/19);

Written statement submitted by International Educational Development Inc., a non-governmental organization on the Roster (E/CN.4/Sub.2/1993/NGO/22).

138. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (14th), Mrs. Attah (12th), Mr. Boutkevitch (14th), Mrs. Chavez (14th, 15th), Mr. Chernichenko (14th, 17th), Mr. Eide (15th), Mrs. Forero Ucros (15th), Mr. Guissé (13th, 14th, 15th), Mr. Hakim (16th), Mr. Joinet (15th, 16th), Mr. Khalifa (12th, 14th, 15th), Mrs. Ksentini (15th, 16th), Mrs. Palley (14th), Mr. Ramadhane (15th), Mr. Sachar (14th, 16th), Mr. Tian Jin (16th), Mrs. Warzazi (15th).

139. Statements were made by the observers for: Bangladesh (15th), China (16th), Colombia (15th), Cyprus (15th), India (16th), Indonesia (15th), Latvia (15th), Peru (15th), Portugal (15th), Russian Federation (15th), Sri Lanka (13th), Syrian Arab Republic (16th), Turkey (13th) and Viet Nam (13th).

140. Statements were also made by the observers for Palestine (14th), the Pan-Africanist Congress of Azania (10th) and the African National Congress (12th).

141. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (13th), American Association of Jurists (12th), Amnesty International (11th), Andean Commission of Jurists (13th), Anti-Slavery Movement for the Protection of Human Rights (12th), Arab Organization for Human Rights (11th), Baha'i International Community (11th), Centre Europe-Tiers Monde (15th), France-Libertés: Fondation Danielle Mitterand (15th), Human Rights Advocates, Inc. (11th), Indigenous World Association (15th), International Association against Torture (15th), International Association for the Defence of Religious Liberty (11th), International Association of Democratic Lawyers (12th), International Association of Educators for World Peace (12th), International Commission of Jurists (11th), International Educational Development (15th), International Falcon Movement - Socialist Educational International (12th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (15th), International Federation of Human Rights (11th), International Federation Terre des Hommes (15th), International Fellowship of Reconciliation (11th), International Indian Treaty Council (13th), International League for the Rights and Liberation of Peoples (15th), International Lesbian and Gay Association (11th), International Progress Organization (14th), International Work Group for Indigenous Affairs (12th), Latin American Federation of Associations of Relatives of Disappeared Detainees (15th), Liberation (13th), Minority Rights Group (12th), Movement against Racism and for Friendship among Peoples (15th), National Aboriginal and Islander Legal Service Secretariat (13th), Pax Christi International (13th), Survival International

Limited (12th), World Federation of Trade Unions (15th), World Muslim Congress (13th), World Organization against Torture (12th), World Society of Victimology (13th), World University Service (15th).

142. Statements equivalent to a right of reply were made by the observers for: Bangladesh (13th), Cyprus (17th), Iraq (14th, 17th), Morocco (16th), Myanmar (16th), Nigeria (14th), Sudan (12th, 16th), Turkey (17th).

Draft decision concerning the communications procedure

143. At the 15th meeting, on 12 August 1993, Mr. Joinet orally proposed a draft decision concerning the communications procedure as established by Economic and Social Council resolution 1503 (XLVIII).

144. The draft decision as orally proposed was adopted without a vote.

145. For the text of the draft decision, see chapter II, section B, decision 1993/104.

Solidarity with Algerian intellectuals

146. At the 16th meeting, on 13 August 1993, Mr. Heller introduced a draft message of solidarity with Algerian intellectuals, which read as follows:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> "Deeply concerned at acts of assassination directed against intellectuals as such and motivated by fanatical obscurantism,
>
> "Deeply shocked by the persecution and assassination by extremist groups of Algerian writers, journalists, academics, doctors and trade unionists,
>
> "Expresses its solidarity with the victims and their relatives,;
> "Strongly condemns such acts;
>
> "Supports the action of Algerian civil associations which, in response to those acts, courageously seek to preserve and defend the ideals of tolerance and mutual understanding inherent in a pluralistic society."

147. The text was approved by the Sub-Commission.

Voting by secret ballot on proposals under agenda item 6

148. At the 26th meeting, on 20 August 1993, Mr. Eide made a proposal concerning a decision to be taken by the Sub-Commission on voting by secret ballot on proposals pertaining to allegations of violations of human rights in countries.

149. Mr. Alfonso Martínez and Mrs. Attah made statements relating to this proposal.

150. The decision, as orally proposed by Mr. Eide, was adopted without a vote.

151. For the text of the decision, see chapter II, section B, decision 1993/106.

Punishment of the crime of genocide

152. At the 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.6, sponsored by Mr. Bossuyt, Mr. Eide, Mr. Hatano, Mrs. Palley, Mr. Ramadhane, Mr. Sachar and Mrs. Warzazi. Mrs. Attah and Mr. Khalil subsequently joined the sponsors.

153. The draft resolution was adopted without a vote.

154. Explanations of vote after the vote were made by Mr. Alfonso Martínez, Mr. Despouy and Mr. Joinet.

155. For the text of the resolution, see chapter II, section A, resolution 1993/8.

Situation in Kosovo

156. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.15, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mrs. Palley, Mr. Ramadhane, Mrs. Warzazi and Mr. Yimer.

157. At the request of Mrs. Daes, a vote was taken on the draft resolution.

158. The resolution was adopted by secret ballot by 17 votes to 4, with 3 abstentions.

159. For the text of the resolution, see chapter II, section A, resolution 1993/9.

Situation of human rights in Chad

160. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.16, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Joinet and Mrs. Palley.

161. Mrs. Ksentini proposed amending operative paragraph 3 by replacing the words "to do its utmost" by the words "to contribute by the appropriate means".

162. Mrs. Warzazi proposed amending further the same paragraph by adding the words "and by taking positive measures" after the words "the appropriate means".

163. The proposed amendments were accepted by the sponsors.

164. The resolution, as amended, was adopted without a vote.

165. For the text of the resolution, see chapter II, section A, resolution 1993/10.

Situation in the Palestinian and other Arab territories occupied by Israel

166. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.17, sponsored by Mr. Alfonso Martínez, Mr. Khalil, Mrs. Ksentini and Mr. Ramadhane.

167. Mr. Sachar proposed the following amendments to the draft resolution:

(a) A new preambular paragraph should be inserted after the last preambular paragraph, reading as follows:

"Taking into account the ongoing process of negotiation between the parties concerned since the Madrid International Peace Conference,"

(b) A new operative paragraph should be added as operative paragraph 9, reading as follows:

"Urges all parties concerned to spare no effort in negotiating in good faith in order to reach speedily a just and lasting peace settlement on the basis of Security Council resolutions 242 and 338 and all other relevant United Nations resolutions."

168. Statements relating to the draft resolution and the proposed amendments were made by Mr. Alfonso Martínez, Mrs. Chavez, Mr. Khalil, Mrs. Ksentini and Mrs. Warzazi.

169. The Sub-Commission decided to postpone consideration of the draft resolution.

170. At its 27th meeting, on 20 August 1993, the Sub-Commission resumed its consideration of draft resolution E/CN.4/Sub.2/1993/L.17.

171. The Chairman read out the text of an amendment to which the sponsors had agreed, consisting of a new preambular paragraph to be inserted after the last preambular paragraph.

172. At the request of Mrs. Chavez, a vote was taken on the draft resolution.

173. The resolution, as amended, was adopted by secret ballot by 17 votes to 2, with 5 abstentions.

174. For the text of the resolution, see chapter II, section A, resolution 1993/15.

Situation in South Africa

175. At the 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.18, sponsored by Mrs. Attah, Mr. Boutkevitch, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Khalil, Mrs. Ksentini, Mr. Ramadhane, Mr. Sachar, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer. Mr. Joinet subsequently joined the sponsors.

176. The resolution was adopted without a vote.

177. For the text of the resolution, see chapter II, section A, resolution 1993/11.

Situation of human rights in Iraq

178. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.19, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Mr. Eide, Mr. Joinet and Mrs. Palley.

179. Statements relating to the resolution were made by Mr. Alfonso Martínez, Mrs. Attah, Mr. Heller, Mr. Joinet and Mrs. Warzazi.

180. The observer for Iraq made a statement.

181. The Sub-Commission decided to postpone consideration of the draft resolution.

182. At the 27th meeting, on 20 August 1993, the Sub-Commission resumed its consideration of draft resolution E/CN.4/Sub.2/1993/L.19.

183. Mr. Bossuyt, on behalf of the sponsors, orally revised the draft resolution as follows:

(a) Insert, after the third last preambular paragraph a new preambular paragraph;

(b) Insert a new paragraph after operative paragraph 6;

(c) Replace, in operative paragraph 10, the word "atrocities" by the words "violations of human rights".

184. At the request of Mr. Ramadhane, a vote was taken on the draft resolution, as orally revised.

185. The draft resolution, as orally revised, was adopted by secret ballot by 14 votes to 9, with 2 abstentions.

186. For the text of the resolution, see chapter II, section A, resolution 1993/20.

Situation in East Timor

187. Also at the 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.20, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Eide and Mrs. Palley.

188. On behalf of the sponsors, Mr. Eide orally made the following revision:

(a) In the sixth preambular paragraph the words "that were" were inserted between the word "restrictions" and the words "imposed upon"; the words "and taking note of the recent announcement by the Indonesian authorities of the resumption of the activities of the said humanitarian organizations" were added at the end of the paragraph.

(b) Operative paragraph 2 should read as follows:

"Strongly deplores the restrictions that were imposed on the activities of the International Committee of the Red Cross and urges the Indonesian authorities to honour fully their commitments, recently announced, to facilitate the implementation of the mandate of the International Committee of the Red Cross;"

189. Statements relating to the draft resolution as revised, were made by the following Sub-Commission members: Mr. Alfonso Martínez, Mrs. Attah and Mrs. Warzazi.

190. Mr. Eide further revised his revisions as follows:

(a) By replacing in the sixth preambular paragraph, the words "Gravely concerned at" by the words "Noting with satisfaction the recent lifting of", and;

(b) By replacing in operative paragraph 2, the words "Strongly deplores" by the words "Notes with satisfaction the recent lifting of".

191. The observer for Indonesia made a statement.

192. The draft resolution, as orally revised, was adopted by secret ballot by 13 votes to 10, with 2 abstentions.

193. For the text of the resolution, see chapter II, section A, resolution 1993/12.

Consequences for the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population

194. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.22, sponsored by Mr. Hakim, Mr. Heller, Mr. Khalil, Mrs. Ksentini, Mrs. Palley and Mr. Ramadhane. Mrs. Attah, Mr. Guissé, Mr. Maxim and Mrs. Warzazi subsequently joined the sponsors.

195. Mr. Sachar proposed amending operative paragraph 1 by inserting between the word "democracy" and the words "and security", the words "territorial integrity".

196. The proposed amendment was accepted by the sponsors.

197. The resolution, as orally amended, was adopted without a vote.

198. An explanation of vote after the vote was made by Mr. Alfonso Martínez.

199. For the text of the resolution, see chapter II, section A, resolution 1993/13.

The situation in Myanmar

200. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.23, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Eide and Mrs. Palley.

201. On behalf of the sponsors, Mrs. Chavez orally made the following revisions to the draft resolution:

(a) After the last preambular paragraph insert a new preambular paragraph;

(b) Insert a new operative paragraph as operative paragraph 5;

(c) Delete in the sixth preambular paragraph the words "Muslims, Christians and";

(d) Delete in the last preambular paragraph, as well as in operative paragraph 3, the words "United Nations High Commissioner for Refugees";

(e) Delete, in operative paragraph 1, the words "termination of the state of emergency".

202. Statements relating to the draft resolution and the revisions thereto were made by the following members of the Sub-Commission: Mr. Alfonso Martínez, Mrs. Attah, Mrs. Chavez, Mr. Sachar, Mr. Tian Jin and Mrs. Warzazi.

203. The Sub-Commission decided to postpone consideration of draft resolution E/CN.4/Sub.2/1993/L.23.

204. At its 27th meeting, on 20 August 1993, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1993/L.23 in a revised form.

205. The sponsors made the following further revisions to the revised draft resolution:

(a) Retain, in the penultimate preambular paragraph, the original words "Muslims, Christians and";

(b) Insert a new paragraph as the seventh preambular paragraph;

(c) Insert, in the new penultimate preambular paragraph, the word "also" between the word "Noting" and the words "with regret".

206. The observer for Myanmar made a statement.

207. At the request of Mrs. Ksentini a vote was taken on the draft resolution.

208. The draft resolution as revised was adopted by secret ballot by 17 votes to 2, with 5 abstentions.

209. For the text of the resolution, see chapter II, section A, resolution 1993/19.

Situation of human rights in the Islamic Republic of Iran

210. At the 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.24, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Chernichenko, Mr. Eide, Mr. Joinet, Mrs. Palley and Mr. Sachar.

211. On behalf of the sponsors, Mr. Bossuyt made the following revision:

Insert the following paragraph after the ninth preambular paragraph:

"Deeply concerned at the refusal of the Islamic Republic of Iran to respond to Swiss judicial inquiries with regard to 13 Iranians carrying service passports involved in the assassination of Kazam Rajavi".

212. A statement relating to the draft resolution and the revision thereto was made by Mrs. Warzazi.

213. Mrs. Ksentini proposed amending the draft resolution by replacing the new tenth preambular paragraph by a new preambular paragraph.

214. The amendment was accepted by the sponsors.

215. The observer for the Islamic Republic of Iran made a statement.

216. At the request of Mr. Alfonso Martínez, a vote was taken on the draft resolution.

217. The draft resolution was adopted by secret ballot by 20 votes to 3, with 2 abstentions.

218. For the text as adopted, see chapter II, section A, resolution 1993/14.

The situation in Tibet

219. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.26, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Eide and Mrs. Palley, which read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Recalling its resolution 1991/10 of 23 August 1991 and the note by the Secretary-General (E/CN.4/1992/37) submitted to the Commission on Human Rights at its forty-eighth session,

"Noting with concern the reports of the Special Rapporteur of the Commission on the question of torture (E/CN.4/1993/26), the Special Rapporteur on religious intolerance (E/CN.4/1993/62) and the report of the Special Rapporteur on extrajudicial summary or arbitrary executions (E/CN.4/1993/46), all of which refer to the situation in Tibet.

"Noting also the reports of the Working Group on Arbitrary Detention (E/CN.4/1993/24), the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25) and reports prepared by other United Nations bodies, government delegations, parliamentary bodies and non-governmental human rights organizations on the situation in Tibet,

"1. Urges the Government of the People's Republic of China to facilitate access to all parts of Tibet by the Special Rapporteurs of the Commission on Human Rights on the question of torture, religious intolerance, extrajudicial, summary or arbitrary executions, and to the Working Groups on Arbitrary Detention and Enforced or Involuntary Disappearances;

"2. Calls upon the Government of the People's Republic of China to permit representatives of non-governmental human rights organizations to visit and travel throughout Tibet;

"3. Requests the relevant Special Rapporteurs to continue to report on their findings with respect to the human rights situation in Tibet;

"4. Draws the attention of the parties concerned to the need for early substantive discussions over their differences;

"5. Requests the Secretary-General to transmit information on the situation in Tibet, including the result of the discussions referred to in paragraph 4, provided by the Government of the People's Republic of China and by other reliable sources, including non-governmental organizations, for consideration by the Commission on Human Rights at its fiftieth session."

220. Mrs. Warzazi moved, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Sub-Commission take no decision on draft resolution E/CN.4/Sub.2/1993/L.26.

221. With regard to the draft resolution and the motion, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez, Mrs. Attah, Mrs. Chavez, Mr. Chernichenko, Mr. Hakim, Mr. Joinet, Mrs. Ksentini, Mr. Maxim, Mrs. Palley and Mrs. Warzazi.

222. At the request of Mrs. Warzazi, a vote was taken on the motion.

223. The Sub-Commission adopted the motion not to take a decision on draft resolution E/CN.4/Sub.2/1993/L.26 by secret ballot by 17 votes to 6, with 2 abstentions.

224. For the text of the decision see chapter II, section B, 1993/107.

The situation of human rights in Sri Lanka

225. At the 27th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.27, sponsored by Mr. Bossuyt, Mrs. Chavez, Mr. Eide and Mr. Joinet.

226. On behalf of the sponsors, Mr. Eide withdrew draft resolution L.27, which read as follows:

> "The Sub-Commission on the Prevention of Discrimination and Protection of Minorities,
>
> "Recalling Commission on Human Rights resolution 1987/61 of 12 March 1987,
>
> "Recalling also the acknowledgment by the Chairman of the Commission at its forty-ninth session of the statement by the representative of Sri Lanka (E/1993/23-E/CN.4/1993/122, para. 564) and the statement by the Chairman of the Commission at its forty-eighth session made on behalf of the Commission (E/1992/22-E/CN.4/1992/84, para. 416),
>
> "Deeply disturbed by the continuation of ethnic violence in Sri Lanka,
>
> "Welcoming the readiness of the Government of Sri Lanka, exemplified by its statement to the Commission at its forty-ninth session, to uphold 'the democratic principle of the Government's accountability to its people and Sri Lanka's international treaty obligations',
>
> "Welcoming the commitment by the Government of Sri Lanka, made to the Commission at its forty-ninth session, 'to make a comprehensive review and revision of emergency legislation related to arrest and detention', '[to undertake] the compilation and publication of a

consolidated version of all current emergency regulations to promote public awareness' and 'to consider favourably Sri Lanka's accession to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment',

"Taking note of the contents of the reports of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25 and Add.1), the Special Rapporteur on the question of torture (E/CN.4/1993/26) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46),

"1. Urges the Government of Sri Lanka to ensure full respect for human rights and fundamental freedoms;

"2. Calls upon the Government of Sri Lanka to appoint appropriate independent judicial commissions or tribunals to investigate all cases of enforced or involuntary disappearances, summary or arbitrary executions and cases of torture that have already occurred;

"3. Welcomes the willingness of the Government of Sri Lanka to continue its cooperation with the Commission and the Sub-Commission and, in particular, to help clarify pending cases of enforced or involuntary disappearances noted in the reports of the Working Group on Enforced or Involuntary Disappearances and to communicate to the Commission and the Sub-Commission new measures the Government of Sri Lanka may take in the field of human rights;

4. Condemns the use, by the Liberation Tigers of Tamil Eelam, of summary or arbitrary executions of non-combatant civilians, the practice of torture, abductions, arbitrary detention of persons and the expulsion of thousands of Muslim civilians from the north of the country;

5. Calls upon the Government of Sri Lanka and all other parties to the armed conflict strictly to adhere to the obligations under common article 3 of the Geneva Conventions of 1949;

6. Urges the Government of Sri Lanka and other parties to the conflict to seek a cessation of hostilities and to achieve an end to the conflict through negotiations among representatives of all ethnic groups, freely elected by them, and to obtain the assistance of the Secretary-General in any mediation that may become necessary;

7. Expresses the hope that the Government of Sri Lanka will afford the required opportunity to the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the question of torture to visit Sri Lanka and to undertake whatever study they deem appropriate;

8. Invites the Government of Sri Lanka to submit information to the Commission on Human Rights at its fiftieth session on the implementation of the present resolution."

227. The observer for Sri Lanka made a statement.

228. Statements were made by Mrs. Attah and Mrs. Palley.

Situation of human rights in Guatemala

229. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.28, sponsored by Mr. Alfonso Martínez, Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Merrills, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mrs. Warzazi and Mr. Yimer. Mrs. Forero Ucros and Mr. Hatano subsequently joined the sponsors.

230. Statements relating to the draft resolution were made by Mrs. Chavez, Mr. Heller and Mr. Joinet.

231. Mr. Heller orally revised the draft resolution by replacing in the penultimate preambular paragraph and in operative paragraph 6 the words "open the way for" with the words "the re-establishment of".

232. The draft resolution, as orally revised, was adopted without a vote.

233. For the text as adopted, see chapter II, section A, resolution 1993/16.

The situation in Bosnia and Herzegovina

234. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.30, sponsored by Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mrs. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Mr. Sachar, Mrs. Warzazi and Mr. Yimer.

235. At the request of Mr. Alfonso Martínez, a vote was taken on the draft resolution.

236. The draft resolution was adopted by secret ballot by 22 votes to 1, with 1 abstention.

237. For the text as adopted, see chapter II, section A, resolution 1993/17.

Situation of human rights in Haiti

238. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.31, sponsored by Mr. Despouy and Mr. Eide. Mr. Joinet and Mr. Saboia subsequently joined the sponsors.

239. Mrs. Ksentini proposed the following amendments:

(a) Amend the title as follows: "Situation in Haiti, encouragement towards the establishment of democratic process and the reconstruction of the country";

(b) Insert, in operative paragraph 6, the words "the evolution of" between the words "examine" and "the situation".

240. Mr. Despouy orally revised the draft resolution by inserting the words "of the United Nations and Organization of American States" in the penultimate preambular paragraph after the words "civil mission".

241. Statements relating to the draft resolution, the proposed amendment and the revision were made by: Mr. Alfonso Martínez, Mrs. Daes, Mr. Despouy, Mr. Guissé, Mr. Heller, Mrs. Ksentini and Mrs. Warzazi.

242. The observer for Haiti made a statement.

243. The draft resolution, as revised and amended, was adopted without a vote.

244. For the text as adopted, see chapter II, section A, resolution 1993/18.

Support to the peace process in El Salvador

245. At the 27th meeting, on 20 August 1993, the Chairman made the following statement regarding the peace process in El Salvador:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> Expresses to the Government of El Salvador its profound satisfaction at and appreciation of the end to the armed conflict, which was significant for the success of the peace process and the promotion and protection of human rights;
>
> Emphasizes the importance of the Peace Agreements reached on 16 January 1992 in Chapultepec, Mexico, between the Government of El Salvador and the Frente Farabundo Martí para la Liberación National;
>
> Stresses the need for full compliance with all the pending peace agreements;
>
> Emphasizes that in this process the effective protection of human rights calls inter alia for the continuation of the strengthening of the judiciary system and of the Office of the Representative and the members of the United Nations Observer Mission (UNUSAL) in the cause of promoting understanding between the parties, achieving progress in the fulfilment of the commitments assumed and consolidating peace;
>
> Reiterates its appeal to all States to contribute to the consolidation of peace and to support efforts to ensure full respect for human rights in El Salvador, on the basis of full implementation of and generous funding for the Peace Agreements, together with the National Reconstruction Plan."

246. The text was approved by the Sub-Commission.

Situation of human rights in Peru

247. At its 29th meeting, on 23 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.37, sponsored by Mr. Despouy, Mrs. Forero Ucros, Mr. Heller and Mr. Saboia.

248. The draft resolution was adopted without a vote.

249. For the text of the resolution, see chapter II, section A, resolution 1993/23.

VIII. THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

A. The role and equal participation of women in development

250. The Sub-Commission considered item 7 together with item 8 (see chap. IX) at its 23rd to 26th and 33rd meetings, from 19 to 21 August and on 25 August 1993.

251. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/Sub.2/1993/NGO/8);

Joint written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I), by the American Association of Jurists, General Arab Women Federation, International Association of Democratic Lawyers, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, Latin American Federation of Associations of Relatives of Disappeared Detainees, Union of Arab Jurists and the Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II), by International Educational Development Inc, International Progress Organization, Movement against Racism and for Friendship among Peoples and World Peace Council, non-governmental organizations on the Roster (E/CN.4/Sub.2/1992/NGO/25).

252. In the general debate on item 7, statements 1/ were made by the following members of the Sub-Commission: Mr. Despouy (26th), Mr. Eide (26th), Mr. Sachar (26th).

253. Statements were made by the observers for Colombia (26th) and Iraq (26th).

254. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (25th), General Arab Women Federation (25th), International Commission of Jurists (25th), International Educational Development (25th), International Fellowship of Reconciliation (25th), International League for the Rights and Liberation of Peoples (24th), International Peace Bureau (25th), Union of Arab Jurists (25th), Women's International League for Peace and Freedom (25th), World Organization against Torture (25th).

255. A statement equivalent to a right of reply was made by the observer for Brazil (26th).

Ambassadors of the arts for human rights

256. At the 33rd meeting, on 25 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.42, sponsored by Mrs. Attah, Mr. Khalil, Mrs. Ksentini and Mr. Ramadhane, which read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Appreciating the generosity of Member States, organizations and private individuals that contribute to the various United Nations Voluntary Funds,

Reaffirming that such Funds are of paramount importance to the activities of the United Nations,

Mindful, however, that a serious shortage of financial resources is a great handicap both in the preparation and execution of the various programmes of these Funds,

Welcoming the appointment of United Nations goodwill ambassadors in connection with the International Year of the World's Indigenous People,

Convinced that the work of goodwill ambassadors chosen from among artists or groups of artists will make a positive contribution to the mobilization of resources for human rights,

Calls on the Commission on Human Rights to request the Secretary-General to study the possibility of appointing artists, or groups of artists as 'ambassadors of the arts for human rights', whose task would be to find further sources of income for the General Fund."

257. Mr. Bossuyt proposed amending the draft resolution by replacing in the title and the operative paragraph, the words "ambassadors of the arts" by the words "goodwill ambassadors".

258. Statements relating to the draft resolution and the proposed amendment were made by Mr. Joinet, Mr. Saboia and Mrs. Warzazi.

259. The Sub-Commission decided to postpone consideration of the draft resolution contained in document E/CN.4/Sub.2/1993/L.42 until the forty-sixth session.

IX. THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

260. The Sub-Commission considered item 8, together with item 7 (see chapter VIII), at its 24th, 27th to 29th, and 33rd to 34th meetings, on 19, 20, 23, 25, and 26 August 1993.

261. The Sub-Commission had before it the following documents in connection with its consideration of the item:

The right to adequate housing: progress report submitted by Mr. Rajindar Sachar, Special Rapporteur appointed pursuant to resolution 1992/26 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and decision 1993/103 of the Commission on Human Rights (E/CN.4/Sub.2/1993/15);

Preliminary report on human rights and extreme poverty, prepared by Mr. Leandro Despouy, Special Rapporteur appointed in accordance with resolution 1992/27 of the Subcommission on the Prevention of Discrimination and Protection of Minorities and resolution 1993/13 of the Commission on Human Rights (E/CN.4/Sub.2/1993/16);

The human rights dimensions of population transfer, including the implantation of settlers: preliminary report prepared by Mr. A.S. Al-Khasawneh and Mr. R. Hatano (E/CN.4/Sub.2/1993/17 and Corr.1);

Report of the Secretary-General, prepared pursuant to Sub-Commission resolution 1992/29 (E/CN.4/Sub.2/1993/18);

Report of the Secretary-General, prepared pursuant to Sub-Commission resolution 1992/29: list of documents relating to economic, social and cultural rights issued in the preparatory process of the World Conference on Human Rights (E/CN.4/Sub.2/1993/18/Add.1);

Letter dated 18 May 1993 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/Sub.2/1993/36);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/28).

Report of a seminar on indicators to measure achievements in the progressive realization of economic, social and cultural rights (A/CONF.157/PC/73).

262. At the 25th meeting, on 18 August 1993, the Special Rapporteur, Mr. Sachar, introduced his report (E/CN.4/Sub.2/1993/15).

263. At the 28th meeting on 23 August 1993, the Special Rapporteur, Mr. Despouy, introduced his report (E/CN.4/Sub.2/1993/16).

264. With regard to the introduction of the preliminary report concerning the human rights dimensions of population transfer, including the implementation of settlers, prepared by Mr. Al-Khasawneh and Mr. Hatano, see chapter XIX, paragraph 481.

265. In the general debate on item 8, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (29th), Mrs. Attah (28th), Mrs. Chavez (28th), Mr. Eide (28th), Mr. Guissé (28th), Mr. Heller (28th), Mrs. Palley (28th), Mr. Saboia (28th), Mr. Sachar (28th) and Mr. Tian Jin (29th).

266. Statements were made by the observers for Cyprus (28th), Estonia (28th), Guatemala (24th), India (28th) and Iraq (28th).

267. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (27th), American Association of Jurists (27th), Centre Europe-Tiers Monde (28th), Habitat International Coalition (28th), Indian Council of South America (28th), Indigenous World Association (27th), International Association against Torture (27th), International Association of Educators for World Peace (27th), International Commission of Jurists (27th), International Educational Development (27th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (27th), International Federation Terre des Hommes (28th), International Fellowship of Reconciliation (27th), International Humanist and Ethical Union (27th), International Movement ATD Fourth World (27th), Minority Rights Group (27th), Movement against Racism and for Friendship among Peoples (27th), National Aboriginal and Islander Legal Service Secretariat (27th), Organization for the Development of Freedom of Education (28th), Pax Christi International (28th), Sierra Club Legal Defense Fund, Inc. (27th), Women's International League for Peace and Freedom (27th), World Federation of Trade Unions (27th), World Organization against Torture (27th), and World University Service (27th).

268. A statement equivalent to a right of reply was made by the observer for Mauritania (29th).

269. At the 29th meeting, on 23 August 1993, the Special Rapporteur, Mr. Hatano made his concluding remarks.

Human rights dimensions of population transfer, including the implementation of settlers and settlements

270. At the 33rd meeting, on 25 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.34, sponsored by Mr. Alfonso Martínez, Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr.Khalil, Mrs. Ksentini, Mr. Maxim, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mrs. Warzazi and Mr. Yimer.

271. Mr. Hatano orally revised the draft resolution as follows:

(a) Delete the words "and Mr. Ribot Hatano" in operative paragraph 9 (a);

(b) In operative paragraph 3, replace the words "the Special Rapporteurs", with the words "as Mr. Awn Shawkat Al-Kasawneh the Special Rapporteur";

(c) Replace in operative paragraphs 5, 6, 9 (a), 9 (c), and 9 (d), the words "Special Rapporteurs" by the words "Special Rapporteur";

(d) In operative paragraphs 3, 5, 6, 9 (a) and 9 (c) replace the word "their" by the word "his";

(e) In operative paragraph 6, replace the word "they" by the word "he";

(f) After operative paragraph 2, insert a new paragraph: "Regrets that Mr. Hatano is unable to be further involved in the work on this subject as one of the Special Rapporteurs";

(g) Renumber operative paragraphs 3 to 9 accordingly.

272. Statements relating to the draft resolution and the revision were made by Mrs. Daes and Mrs. Ksentini.

273. The draft resolution, as revised, was adopted without a vote.

274. For the text as adopted, see chapter II, section A, resolution 1993/34.

Promoting the realization of the right to adequate housing

275. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.45, sponsored by Mr. Alfonso Martínez, Mrs. Attah, Mr. Boutkevitch, Mr. Chernichenko, Mrs. Daes, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Maxim, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer.

276. A statement relating to the draft resolution was made by Mrs. Ksentini.

277. A statement on an estimate of the programme budget implications of implementing the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

278. The draft resolution was adopted without a vote.

279. For the text as adopted, see chapter II, section A, resolution 1993/36.

Human rights and extreme poverty

280. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.43, sponsored by Mr. Alfonso Martínez, Mrs. Attah, Mr. Bossuyt, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Tian Jin and Mr. Yimer.

281. The draft resolution was adopted without a vote.

282. For the text as adopted, see chapter II, section A, resolution 1993/35.

Human rights and income distribution

283. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.48, sponsored by Mrs. Attah, Mrs. Daes, Mrs. Forero Ucros, Mr. Guissé, Mr. Ramadhane, Mr. Saboia and Mr. Sachar.

284. Mr. Saboia orally revised the draft resolution by deleting operative paragraphs 5 to 9 and adding a new operative paragraph 5.

285. The Sub-Commission decided to postpone consideration of draft resolution E/CN.4/Sub.2/1993/L.48.

286. At the 34th meeting, on 26 August 1993, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1993/L.48.

287. Mrs. Ksentini proposed the following amendment:

> Insert, in operative paragraph 3, the words "without financial implications" before the words "a preparatory document".

288. The amendment was accepted by the sponsors.

289. Mr. Yokota proposed the following amendment:

> Delete, in operative paragraph 3, the words "in particular economic, social and cultural rights".

290. The amendment was not accepted by the sponsors.

291. Mrs. Warzazi proposed the following amendments:

(a) Add in the eleventh preambular paragraph the words "in particular in developing countries" after the words "Conscious of the impact of inequitable income distribution";

(b) Replace, in operative paragraph 3, the words "continue attention to these issues" with the words "strengthen activities in this field".

292. The second amendment proposed by Mrs. Warzazi was accepted by the sponsors.

293. Mr. Saboia further revised the draft resolution by replacing in operative paragraph 1, the words "close existing gaps in the distribution of income and expand access" with the words "ensure more equitable access".

294. Statements, relating to the draft resolution, the revision and the amendments, were made by Mr. Alfonso Martínez, Mrs. Chavez, Mrs. Ksentini, Mr. Saboia, Mrs. Warzazi and Mr. Yokota.

295. The draft resolution, as revised and amended, was adopted without a vote.

296. For the text as adopted, see chapter II, section A, resolution 1993/40.

Forced evictions

297. At the 34th meeting, on 26 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.49, sponsored by Mrs. Daes, Mr. Eide, Mrs. Palley, Mr. Saboia and Mr. Sachar.

298. Mr. Eide revised the draft resolution by replacing, in operative paragraph 7, the words "the Secretary General" by the words "the Commission on Human Rights" and the word "Requests" by the word "Recommends".

299. Mrs. Warzazi proposed the following amendment:

> Replace, in operative paragraph 7, the word "Requests" with the words "Endorses the recommendation to".

300. The Sub-Commission decided to delete operative paragraph 7, which read:

> "Requests the Secretary-General, in compiling the analytical report on the practice of forced eviction, as requested by the Commission in its resolution 1993/77, to examine the question of appointing a special rapporteur on forced evictions and to outline additional measures designed to reduce and eliminate this practice;"

301. Statements, relating to the draft resolution, the proposed revision and the amendment, were made by Mr. Alfonso Martínez, Mr. Despouy, Mr. Eide, Mr. Sachar, Mrs. Warzazi and Mr. Yimer.

302. The draft resolution, as amended, was adopted without a vote.

303. For the text as adopted, see chapter II, section A, resolution 1993/41.

X. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

304. The Sub-Commission considered item 9 at its 30th, 31st, 32nd and 36th meetings on 24, 25 and 27 August 1993.

305. In its resolution 1503 (XLVIII) of 27 May 1979, the Economic and Social Council authorized the Sub-Commission to appoint a working group (Working Group on Communications) of no more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

306. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established in Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

307. The Sub-Commission had before it a confidential report on the work of the Working Group on Communications at its twenty-first session, held from 19 to 30 July 1993 (E/CN.4/Sub.2/1993/R.1 and addenda), certain communications which had been kept pending before the Sub-Commission since its forty-fourth session in 1992, as well as all government replies relevant to the material before it. The Sub-Commission wished to stress in this connection that government cooperation was essential for the proper functioning of the bodies entrusted with the implementation of the procedure governed by Council resolution 1503 (XLVIII) and expressed the hope that all Governments would in the future respond to communications transmitted to them and thereby contribute to the further development of international cooperation in the field of human rights.

308. Mr. Guissé, Chairman-Rapporteur of the Working Group on Communications, introduced the Working Group's report and drew attention to the material before the Sub-Commission which was pending since its forty-fourth session.

309. Following the discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights. The Sub-Commission also decided to defer action on certain communications to its forty-sixth session, in 1994, and to take no action with regard to certain communications.

310. At its 36th meeting (closed part), on 27 August 1993, the Sub-Commission adopted a confidential report, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), in which it communicated to the Commission on Human Rights its decisions taken under paragraph 5 of that resolution.

311. At its 36th meeting, on 27 August 1993, the Sub-Commission decided on the composition of its Working Group on Communications that would meet prior to its forty-sixth session. For the composition of the Working Group, see chapter II, section B, decision 1993/111.

XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

(a) Question of human rights of persons subjected to any form of detention or imprisonment

(b) Question of human rights and states of emergency

(c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

(d) The right to a fair trial

312. The Sub-Commission considered item 10 together with item 11 (see chapter XII), at its 17th to 25th and 33rd meetings, on 13 to 19 and on 25 August 1993.

313. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General concerning the submission of information pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 (E/CN.4/Sub.2/1993/19);

Application of international standards concerning the human rights of detained juveniles: note by the Secretary-General pursuant to Sub-Commission resolution 1992/25 and Commission on Human Rights resolution 1993/80 (E/CN.4/Sub.2/1993/20);

The possible utility, scope and structure of a special study on the issue of privatization of prisons: outline prepared by Mrs. Claire Palley pursuant to Sub-Commission decision 1992/107 (E/CN.4/Sub.2/1993/21);

Report of the Working Group on Detention (E/CN.4/Sub.2/1993/22 and Corr.1);

Sixth annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. L. Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1993/23);

The right to a fair trial: current recognition and measures necessary for its strengthening: fourth report prepared by Mr. Stanislav Chernichenko and Mr. William Treat (E/CN.4/Sub.2/1993/24 and Add.1-2);

Letter dated 18 August 1993 from the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities addressed to the Chargé d'Affaires, Permanent Mission of the United States of America to the United Nations and other international organizations at Geneva (E/CN.4/Sub.2/1993/40);

Letter dated 20 August 1993 from the Chargé d'Affaires, ad interim, Permanent Mission of the United States of America to the United Nations and other international organizations at Geneva addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1993/41);

Letter dated 25 August 1993 from the Chargé d'Affaires ad interim, Permanent Mission of the United States of America to the United Nations and other international organizations at Geneva, addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1993/42);

Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/2);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/9);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/11);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/14);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/15).

314. At the 19th meeting on 16 August 1993, the Special Rapporteur, Mr. Despouy, introduced his report (E/CN.4/Sub.2/1993/23).

315. At the 20th meeting, on 17 August 1993, Mrs. Palley introduced her outline of the possible utility, scope and structure of a special study on the issue of privatization of prisons (E/CN.4/Sub.2/1993/21).

316. At the 21st meeting, on 17 August 1993, Mr. Chernichenko and Mr. Treat introduced their report (E/CN.4/Sub.2/1993/24 and Add.1-2). Mr. Yimer, in his function as commentator, gave his observations.

317. At the 22nd meeting on 18 August 1993, Mrs. Chavez, Rapporteur of the Working Group on Detention, introduced the report of the Working Group on Detention (E/CN.4/Sub.2/1993/22 and Corr.1).

318. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (17th, 23rd, 25th), Mrs. Attah (21st, 22nd), Mr. V. Boutkevitch (23rd),

Mrs. Chavez (22nd), Mr. Chernichenko (24th), Mr. Despouy (20th, 24th), Mr. Eide (22nd), Mr. Guissé (17th, 18th, 23rd), Mr. Heller (23rd), Mr. Joinet (21st), Mr. Khalil (22nd), Mrs. Ksentini (24th), Mrs. Palley (20th), Mr. Sachar (22nd).

319. Statements were made by the observers for: Colombia (24th), Ethiopia (24th), Honduras (24th), Myanmar (24th), Philippines (24th), Romania (24th), Sri Lanka (24th), Turkey (24th).

320. The representative of the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna made a statement (18th).

321. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: American Association of Jurists (18th), Amnesty International (17th), Andean Commission of Jurists (20th), Centre Europe-Tiers Monde (20th), Commission of the Churches on International Affairs of the World Council of Churches (17th), France-Libertés: Fondation Danielle Mitterrand (18th), International Association against Torture (19th), International Association of Educators for World Peace (18th), International Educational Development, Inc. (19th), International Falcon Movement-Socialist Educational International (18th), International Federation of Human Rights (18th), International Indian Treaty Council (18th), International League for the Rights and Liberation of Peoples (20th), International PEN (19th), International Movement against All Forms of Discrimination and Racism (20th), International Progress Organization (18th), Latin American Federation of Associations of Relatives of Disappeared Detainees (22nd), Liberation (18th), Movement against Racism and for Friendship among Peoples (18th), National Aboriginal and Islander Legal Service Secretariat (18th), Pax Christi International (19th), Pax Romana (20th), Robert F. Kennedy Memorial Center for Human Rights (17th), Service Peace and Justice in Latin America (19th), World Organization against Torture (20th).

322. Statements equivalent to a right of reply were made by the observers for: Indonesia (22nd), Japan (25th), Malaysia (22nd), Mauritania (25th), Morocco (23rd), Syrian Arab Republic (23rd), Turkey (20th).

323. At the 19th meeting, on 16 August 1993, Mr. Alfonso Martínez proposed a draft decision concerning the situation of a group of hunger strikers in the United States of America.

324. With regard to the proposal made by Mr. Alfonso Martínez, the following members of the Sub-Commission made statements: Mrs. Chavez, Mr. Joinet, Mrs. Palley, Mr. Guissé.

325. Mrs. Chavez proposed amending the draft decision by adding the following paragraph to the text proposed by Mr. Alfonso Martínez:

> "The Sub-Commission equally requests its Chairman to request the competent authorities of Cuba to provide official information concerning the status and condition of the following persons: Sebastian Arcos Bergnes, José Luis Pujol Irizar, Elizardo Sanchez Santa Cruz,

Lazaro Loreto Perea, Rodolfo Gonzalez, Marco Antonio Abad Flamand, Jorge Crespo Diaz, Michael Pérez Pérez, Yndamiro Restano Diaz, Martinez Bustamante, Luis Alberto Pita Santos, Arturo Suarez Ramos."

326. Mrs. Palley moved under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, not to take action on either the draft decision or on the amendment thereto.

327. At the request of Mr. Alfonso Martínez, a roll-call vote was taken on the motion, which was rejected by 6 votes to 6, with 4 abstentions. The voting was as follows:

In favour: Mr. Bossuyt, Mrs. Chavez, Mr. Eide, Mr. Hatano, Mr. Khalil, Mrs. Palley

Against: Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Heller, Mr. Joinet, Mr. Ramadhane, Mr. Tian Jin

Abstaining: Mr. Despouy, Mr. Hakim, Mr. Maxim, Mr. Saboia

328. At the request of Mrs. Palley, a roll-call vote was taken on the amendment proposed by Mrs. Chavez, which was rejected by 6 votes to 5, with 7 abstentions. The voting was as follows:

In favour: Mr. Bossuyt, Mrs. Chavez, Mr. Eide, Mr. Hakim, Mrs. Palley

Against: Mr. Alfonso Martínez, Mr. Heller, Mrs. Ksentini, Mr. Ramadhane, Mr. Sachar, Mr. Tian Jin

Abstaining: Mr. Chernichenko, Mr. Despouy, Mr. Yokota, Mr. Joinet, Mr. Khalil, Mr. Maxim, Mr. Saboia

329. At the request of Mr. Alfonso Martínez, a roll-call vote was taken on the draft decision as originally proposed, which was adopted by 6 votes to 4, with 7 abstentions. The voting was as follows:

In favour: Mr. Alfonso Martinez, Mr. Hakim, Mr. Heller, Mr. Ramadhane, Mr. Sachar, Mr. Tian Jin

Against: Mr. Bossuyt, Mrs. Chavez, Mr. Eide, Mrs. Palley

Abstaining: Mr. Chernichenko, Mr. Despouy, Mr. Yokota, Mr. Joinet, Mr. Khalil, Mr. Maxim, Mr. Saboia

330. Explanations of vote after the vote were made by Mr. Alfonso Martínez, Mrs. Chavez, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Saboia and Mr. Yokota.

331. For the text of the decision, see chapter II, decision 1993/105.

332. Subsequently, by letter of 18 August 1993, the Chairman transmitted the text of the decision to the Chargé d'Affaires, Permanent Mission of the United States of America to the United Nations Office and other international organizations at Geneva (see E/CN.4/Sub.2/1993/40).

333. At the 29th meeting, on 23 August 1993, the Chairman informed the Sub-Commission that he had received a reply to the letter (see E/CN.4/Sub.2/1993/41).

Question of the human rights of persons subjected to any form of detention or imprisonment

334. At the 33rd meeting, on 25 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.8, sponsored by Mrs. Attah, Mr. Bossuyt, Mr. Boutkevich, Mrs. Chavez, Mrs. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Maxim, Mrs. Palley, Mr. Sachar and Mr. Yimer.

335. Statements relating to the draft resolution were made by Mr. Boutkevich, Mr. Joinet and Mrs. Ksentini.

336. The draft resolution was adopted without a vote.

337. For the text as adopted, see chapter II, section A, resolution 1993/25.

Question of human rights and states of emergency

338. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.46, sponsored by Mr. Alfonso Martínez, Mr. Bossuyt, Mrs. Daes, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Hatano, Mr. Hakim, Mr. Joinet, Mr. Khalil, Mr. Ramadhane, Mr. Saboia, Mr. Sachar and Mrs. Warzazi.

339. The draft resolution was adopted without a vote.

340. For the text as adopted, see chapter II, section A, resolution 1993/28.

Right to a fair trial

341. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.33, sponsored by Mr. Alfonso Martínez, Ms. Attah, Mr. Boutkevich, Ms. Chavez, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Khalil, Mrs. Palley, Mr. Saboia, Mr. Sachar, Mrs. Warzazi and Mr. Yimer.

342. Mrs. Ksentini proposed the following amendments to the draft resolution:

(a) Delete operative paragraph 5, which read as follows: "Decides to consider at its forty-sixth session transmitting to the Commission on Human Rights the draft third optional protocol to the International Covenant on Civil and Political Rights, aiming at guaranteeing under all circumstances the right to a fair trial and a remedy"; and renumber the remaining operative paragraphs accordingly;

(b) Insert in new operative paragraph 5 the words "the advisability of elaborating a third optional protocol to the International Covenant on Civil and Political Rights as well as" before the words "the other recommendations";

(c) Delete in new operative paragraph 6 the words, "inter alia, at developing a draft third optional protocol to the International Covenant on Civil and Political Rights aiming", after the words "a set of conclusions and recommendations aimed".

343. The proposed amendments were accepted by the sponsors.

344. Statements in connection with the draft resolution and the proposed amendments were made by Mr. Bossuyt and Mr. Joinet.

345. The draft resolution, as amended, was adopted without a vote.

346. For the text, as adopted, see chapter II, section A, resolution 1993/26.

Arbitrary and summary executions

347. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.21, sponsored by Mr. Boutkevich, Mrs. Chavez, Mr. Eide and Mrs. Palley. Draft resolution E/CN.4/Sub.2/1993/L.21 read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and Commission on Human Rights resolution 1993/71 of 10 March 1993

"Deeply concerned at reports of the occurrence of arbitrary and summary executions in Aceh, Indonesia since 1989,

"Concerned also at the failure of the authorities to investigate these reports,

"Regretting that the Special Rapporteur of the Commission on Human Rights on the question of torture was prevented from visiting Aceh when visiting Indonesia and East Timor in November 1991,

"1. Expresses its deep concern at the reports of arbitrary and summary executions in Aceh;

"2. Regrets that the Special Rapporteur of the Commission on Human Rights on the question of torture was prevented from visiting Aceh when visiting East Timor and Indonesia in November 1991;

"3. Encourages the Indonesian authorities to invite the Special Rapporteurs of the Commission on Human Rights on the question of torture and on extrajudicial, summary and arbitrary executions to visit Aceh and other parts of Indonesia with a view to ascertaining the situation pertaining to torture and arbitrary and summary executions;

"4. Recommends to the Commission that it consider at its fiftieth session the reports of the Special Rapporteurs on the question of torture and on extrajudicial, summary and arbitrary executions on the situation in Indonesia, particularly in Aceh, and to this purpose requests the secretariat to transmit to the Commission all information received;

"5. Decides to consider at its forty-sixth session the questions of torture and extrajudicial, summary and arbitrary executions and related human rights violations in Indonesia, in particular in Aceh."

348. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mrs. Forero Ucros, Mr. Hakim, Mr. Heller, Mr. Joinet, Mrs. Palley and Mr. Tian Jin.

349. Mr. Alfonso Martínez moved under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council that the Sub-Commission take no decision on the draft resolution.

350. A vote was taken on the motion by secret ballot.

351. The motion that the Sub-Commission take no decision on draft resolution E/CN.4/Sub.2/1993/L.21 was adopted by secret ballot by 17 votes 7, with 1 abstention.

352. For the text of the decision as adopted see chapter II, section B, 1993/108.

353. Statements after the vote were made by Mr. Alfonso Martínez and Mr. Despouy.

The application of international standards concerning the human rights of detained juveniles

354. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.35, sponsored by Mr. Despouy, Mr. Joinet and Mrs. Ksentini. Mr. Maxim subsequently joined the sponsors.

355. The draft resolution was adopted without a vote.

356. For the text as adopted, see chapter II, section A, resolution 1993/27.

Study of the issue of the privatization of prisons

357. At the same meeting the Sub-Commission considered draft decision E/CN.4/Sub.2/1993/L.44, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Mrs. Chavez, Mr. Guissé and Mr. Sachar.

358. Statements relating to the draft decision were made by Mr. Alfonso Martínez, Mr. Despouy, Mr. Guissé, Mr. Joinet, Mrs. Ksentini and Mrs. Palley.

359. The draft decision was adopted without a vote.

360. For the text as adopted, see chapter II, section B, decision 1993/109.

XII. INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY, JURORS AND ASSESSORS AND THE INDEPENDENCE OF LAWYERS

361. The Sub-Commission considered item 11 together with item 10 (see chapter XI), at its 17th to 25th and 34th meetings, on 13 to 19 and on 26 August 1993.

362. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report on the independence of the judiciary and the protection of practising lawyers submitted by Mr. Louis Joinet, pursuant to Sub-Commission resolution 1992/38 (E/CN.4/Sub.2/1993/25 and Add.1);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/15);

363. At the 23rd meeting, on 18 August 1993, the Special Rapporteur, Mr. Joinet, presented his report (E/CN.4/Sub.2/1993/25 and Add.1).

364. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Despouy (24th), Mr. Eide (22nd), Mr. Khalil (22nd), Mrs. Palley (20th), Mr. Sachar (22nd) and Mrs. Warzazi (22nd).

365. Statements were made by the observers for Colombia (24th), Honduras (24th), Romania (24th), Sri Lanka (24th) and Turkey (24th).

366. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (19th), Centre Europe Tiers Monde (20th), France Liberté: Fondation Danielle Mitterand (18th), International Commission of Jurists (18th), International Educational Development (20th), International Falcon Movement-Socialist Educational International (18th), International Federation of Human Rights (18th), International League for the Rights and Liberation of Peoples (20th), International Progress Organization (18th), International Union of Lawyers (18th), Latin American Federation of Associations of Relatives of Disappeared Detainees (22nd), National Aboriginal and Islander Legal Service Secretariat (24th), Service Peace and Justice in Latin America (19th), World Organization against Torture (20th).

367. Statements equivalent to a right of reply were made by the observers for Turkey (20th) and the United Kingdom of Great Britain and Northern Ireland (20th).

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

368. At the 33rd meeting, on 26 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.52, sponsored by Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Khalil and Mr. Yokota.

369. Mr. Guissé orally revised the draft resolution by inserting in operative paragraph 3 the words "particularly with regard to judges and lawyers, as well as court officers," after the words "of the judiciary", and making the corresponding changes to operative paragraph 5.

370. Mr. Alfonso Martínez proposed amending operative paragraph 3 by inserting after the words "impartiality of the judiciary in the form" the words "and with the mandate which the Commission may deem appropriate".

371. Mr. Eide orally revised operative paragraph 3 by inserting the words "and recommends also that this take the form of" before the words "a special rapporteur".

372. Mrs. Warzazi proposed the following amendments:

(a) To insert in operative paragraph 3 the words "and the nature of problems liable to attack this independence and impartiality" after the words "of the judiciary", and to make the corresponding changes to operative paragraph 5;

(b) To replace operative paragraph 3 (c) by "To address situations requiring technical assistance when requested by the States concerned."

373. Mr. Heller proposed the following amendment:

(a) To replace, in operative paragraph 3, the word "should" by the word "could";

(b) To replace subparagraphs 3 (b) and (c) by one subparagraph reading as follows: "(b) To identify and record attacks on the independence of the judiciary and to provide technical assistance when so requested;"

(c) To insert in new operative paragraph 3 (c) the words "and drug trafficking" after the word "terrorism".

These proposed amendments would also be reflected in operative paragraph 5 of the draft resolution.

374. The first proposal made by Mrs. Warzazi and the amendments proposed by Mr. Heller were accepted by the sponsors.

375. Statements relating to the draft resolution, revisions and amendments were made by Mr. Alfonso Martínez, Mr. Eide, Mr. Despouy, Mrs. Ferero Ucros, Mr. Guissé, Mr. Joinet, Mrs. Ksentini and Mr. Yokota.

376. The draft resolution, as revised and amended, was adopted without a vote.

377. For the text as adopted, see chapter II, section A, resolution 1993/39.

XIII. HUMAN RIGHTS AND DISABILITY

378. The Sub-Commission considered item 12 at its 17th, 18th and 27th meetings, on 13, 16 and 20 August 1993.

379. In the general debate on the item, a statement 1/ was made by Mr. Despouy (18th).

380. A statement was made by the observer for El Salvador (17th).

381. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: International Association of Educators for World Peace (17th), International Educational Development (17th), Disabled Peoples' International (17th).

382. At the 27th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.29, sponsored by Mr. Bossuyt, Mrs. Daes, Mr. Despouy, Mr. Eide and Mr. Guissé. Mrs. Ksentini subsequently joined the sponsors.

383. The draft resolution was adopted without a vote.

384. For the text of the resolution, see chapter II, section A, resolution 1993/22.

XIV. ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION AND BELIEF

385. The Sub-Commission considered item 13 at its 7th, 8th and 17th meetings, held on 6 and 13 August 1993.

386. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/14);

Joint statement submitted by the International Association for the Defence of Religious Liberty, the International Council of Jewish Women, the International Fellowship of Reconciliation, the International Organization for Development of Freedom of Education and Pax Christi International, non-governmental organizations in consultative status (category II).

387. In the general debate on the item, a statement 1/ was made by Mrs. Mbonu (8th).

388. The Sub-Commission also heard statements by the following non-governmental organizations: Baha'i International Community (8th), International Association for the Defence of Religious Liberty (8th), International Federation of Human Rights (7th), International Organization for Development of Freedom of Education (8th), Movement Against Racism and for Friendship among Peoples (8th), Pax Christi International (8th), Pax Romana (7th).

389. A statement equivalent to a right of reply was made by the observer for Viet Nam (8th).

390. At the 17th meeting, on 13 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.4, sponsored by Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Ramadhane, Mr. Saboia, Mrs. Warzazi and Mr. Yimer. Mrs. Attah, Mr. Maxim and Mr. Sachar subsequently joined the sponsors.

391. The draft resolution was adopted without a vote.

392. For the text as adopted see chapter II, section A, resolution 1993/2.

XV. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

393. The Sub-Commission considered item 14 at its 16th, 33rd and 35th meetings, on 13, 25 and 26 August 1993.

394. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Draft declaration on the rights of indigenous peoples:

Revised working paper submitted by the Chairperson-Rapporteur, Mrs. Erica-Irene Daes, pursuant to Sub-Commission resolution 1992/33 and Commission on Human Rights resolution 1993/31 (E/CN.4/Sub.2/1993/26 and Add. 1);

Study on the protection of the cultural and intellectual property of indigenous peoples, by Mrs. Erica-Irene Daes, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Chairperson of the Working Group on Indigenous Populations (E/CN.4/Sub.2/1993/28);

Report of the Working Group on Indigenous Populations on its eleventh session (E/CN.4/Sub.2/1993/29 and Add.1-2);

Letter dated 24 August 1993 from the Permanent Representative of Peru to the United Nations and other international organizations at Geneva, addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1993/43);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/4);

Written statement submitted by the Commission for the Defense of Human Rights in Central America, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/6);

Written statement submitted by the Indian Law Resource Center, a non-governmental organization on the Roster (E/CN.4/Sub.2/1993/NGO/13);

Written statement submitted by Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/20);

Written statement submitted by the International Organization of Indigenous Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/21);

395. At the 16th meeting, on 13 August, Nobel Peace Prize laureate Mrs. Rigoberta Menchú, addressed the Sub-Commission.

396. At the 33rd meeting, on 25 August 1993, Mrs. Erica-Irene Daes, Chairperson-Rapporteur of the Working Group on Indigenous Populations, introduced the report of the Working Group (E/CN.4/Sub.2/1993/29 and Add.1).

397. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (16th, 33rd), Mrs. Chavez (33rd), Mrs. Daes (16th), Mr. Eide (16th, 33rd), Mr. Guissé (16th), Mr. Joinet (16th), Mrs. Ksentini (16th) and Mr. Saboia (33rd).

398. Statements were made by the observers for Bolivia (33rd), Brazil (33rd), Canada (33rd) and Colombia (33rd).

399. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: France-Libertés: Fondation Danielle Mitterand (33rd), Indian Council of South America (33rd), Indian Law Resource Centre (33rd), Indigenous World Association (33rd), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (33rd), International Federation of Human Rights (33rd), International Federation Terre des Hommes (33rd), Latin American Federation of Associations of Relatives of Disappeared Detainees (33rd), National Aboriginal and Islander Legal Service Secretariat (33rd), Nordic Saami Council (33rd).

400. At the 33rd meeting, on 25 August 1993, Mrs. Daes made her concluding remarks.

Draft United Nations declaration on indigenous peoples

401. At the 35th meeting, on 26 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.47, sponsored by Mr. Alfonso Martínez.

402. At the same meeting, Mrs. Daes introduced amendments to draft resolution E/CN.4/Sub.2/1993/L.47 contained in document E/CN.4/Sub.2/1993/L.54, reading as follows:

"Operative paragraph 3:

Insert the following text as new subparagraph (a):

"The draft declaration shall be entitled 'United Nations Declaration on the Rights of Indigenous Peoples'";

Renumber the subparagraphs.

Replace existing subparagraph (d) by the following:

"To adopt the draft United Nations declaration after due consideration, at its forty-sixth session, in 1994, and to submit it to the Commission on Human Rights with the recommendation that the Commission consider and adopt it at its fifty-first session, in 1995.";

"Add the following new paragraph, as operative paragraph 4:

To recommend to the Commission on Human Rights and to the Economic and Social Council to take special measures to enable indigenous peoples to participate fully and effectively, without regard to consultative status, in the consideration of the draft United Nations declaration, as they have contributed to the work of the Working Group."

403. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mrs. Daes, Mr. Guissé, Mr. Heller, Mr. Sachar and Mr. Yimer.

404. The Sub-Commission postponed consideration of the draft resolution and the proposed amendments thereto.

405. At the same meeting, the Sub-Commission resumed its consideration of draft resolution E/CN.4/Sub.2/1993/L.47 and the proposed amendments thereto.

406. Mrs. Daes revised the third amendment contained in document L.54 as follows:

(a) The word "adopt" before the words "draft United Nations", was replaced by the word "consider";

(b) The words "if possible" were inserted between the word "and" and the words "to submit it";

(c) At the end of the third amendment the following words were inserted: "on the understanding that the report of the Working Group on its twelfth session will contain a summary of general views expressed by the participants on the draft declaration." This revision to E/CN.4/Sub.2/1993/L.54 by Mrs. Daes was subsequently issued as document E/CN.4/Sub.2/1993/L.54/Rev.1.

407. The amendments and revised amendments were accepted by the sponsor.

408. The draft resolution, as amended, was adopted without a vote.

409. For the text as adopted, see chapter II, section A, resolution 1993/46.

Cultural and intellectual property of indigenous peoples

410. At the 35th meeting, on 26 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.53, sponsored by Mrs. Warzazi.

411. A statement on an estimate of the programme budget implications of implementing the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

412. The draft resolution was adopted without a vote.

413. For the text as adopted, see chapter II, section A, resolution 1993/44.

Study on treaties, agreements and other constructive arrangements between States and indigenous populations

414. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1993/L.55, sponsored by Mr. Alfonso Martínez, Mrs. Attah, Mr. Boutkevitch, Mrs. Daes and Mr. Yokota.

415. The draft decision was adopted without a vote.

416. For the text, see chapter II, section B, decision 1993/110.

Discrimination against indigenous peoples

417. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.56, sponsored by Mrs. Daes.

418. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. Chernichenko and Mr. Saboia.

419. The draft resolution was adopted without a vote.

420. For the text as adopted, see chapter II, section A, resolution 1993/45.

XVI. CONTEMPORARY FORMS OF SLAVERY

421. The Sub-Commission considered item 15 at its 8th, 9th, 10th, 26th and 33rd meetings, on 6, 9, 10, 20 and 25 August 1993.

422. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the Working Group on Contemporary Forms of Slavery on its eighteenth session (E/CN.4/Sub.2/1993/30);

Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography: Report of the Working Group on Contemporary Forms of Slavery pursuant to paragraph 6 of Sub-Commission resolution 1992/2 (E/CN.4/Sub.2/1993/31 and Add.1);

Note by the Secretary-General pursuant to Sub-Commission resolution 1992/3 (E/CN.4/Sub.2/1993/32);

Note by the Secretary-General pursuant to Sub-Commission resolution 1992/2 (E/CN.4/Sub.2/1993/35);

Preparatory Document submitted by Mrs. Linda Chavez on the question of systematic rape, sexual slavery and slavery-like practices during wartime (E/CN.4/Sub.2/1993/44);

Written statement submitted by International Educational Development Inc., a non-governmental organization on the Roster (E/CN.4/Sub.2/1993/NGO/25).

423. At the 8th meeting, on 6 August 1993, Mr. Maxim, the Chairman-Rapporteur of the Working Group on Contemporary Forms of Slavery, introduced the report of the Working Group (E/CN.4/Sub.2/1993/30).

424. At the 9th meeting, on 9 August 1993, the Special Rapporteur on the sale of children, child prostitution and child pornography, Mr. Vitit Muntarbhorn, made a statement.

425. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (10th), Mrs. Attah (9th), Mrs. Chavez (8th), Mrs. Daes (10th), Mr. Eide (8th), Mrs. Forero Ucros (10th), Mr. Guissé (8th), Mr. Hakim (10th), Mrs. Ksentini (10th), Mrs. Palley (10th), Mr. Tian Jin (10th), Mrs. Warzazi (9th).

426. Statements were made by the observers for: Brazil (10th), Colombia (10th), Democratic People's Republic of Korea (10th), Republic of Korea (10th).

427. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Anti-Slavery International for the Protection of Human Rights (9th), Commission of the Churches on

International Affairs of the World Council of Churches (9th), Human Rights Advocates (8th), International Abolitionist Federation (8th), International Association of Democratic Lawyers (8th), International Association of Educators for World Peace (9th), International Commission of Jurists (8th), International Educational Development (10th), International Fellowship of Reconciliation (9th), International Lesbian and Gay Association (8th), Liberation (9th), World Association for the School as an Instrument of Peace (7th).

428. Statements equivalent to a right to reply were made by the observers for India (10th) and Thailand (9th).

Report of the Working Group on Contemporary Forms of Slavery

429. At its 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.7, sponsored by Mrs. Chavez, Mr. Eide, Mrs. Ferriol Echevarria, Mr. Hakim, Mrs. Ksentini, Mr. Maxim, Mr. Ramadhane, Mrs. Warzazi and Mr. Yimer. Mr. Guissé, Mr. Khalil and Mr. Joinet subsequently joined the sponsors.

430. Mrs. Ksentini and Mr. Yimer made statements relating to the draft resolution.

431. Mrs. Warzazi withdrew as a sponsor.

432. A statement on an estimate of the programme budget implications of implementing the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

433. The draft resolution was adopted without a vote.

434. For the text as adopted, see chapter II, section A, resolution 1993/5.

Slavery and slavery-like practices during wartime

435. At the 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.12, sponsored by Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mrs. Daes, Mr. Eide, Mrs. Forero Ucros, Mr. Hatano, Mr. Hakim, Mr. Heller, Mrs. Ksentini, Mr. Maxim, Mrs. Palley and Mrs. Warzazi.

436. Mrs. Daes, on behalf of the sponsors, informed the Sub-Commission that a revision to the draft resolution would be issued.

437. The Sub-Commission decided to postpone consideration of draft resolution E/CN.4/Sub.2/1993/L.12.

438. At the 33rd meeting, on 25 August 1993, the Sub-Commission considered a revised draft resolution (E/CN.4/Sub.2/1993/L.12/Rev.1) sponsored by Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Daes, Mr. Eide, Mr. Hatano, Mrs. Ksentini, Mrs. Palley, Mrs. Warzazi and Mr. Yimer. Mr. Maxim subsequently joined the sponsors.

439. The revised draft resolution contained the following revisions:

(a) In the second preambular paragraph, after the words "abuse of women and children" the words "and 1993/46 of 8 March 1993, in which the Commission condemned all acts of violence and violations of human rights directed specifically against women, including those in situations of armed conflict" were added;

(b) In operative paragraphs 1 and 4, the words "appoint a Special Rapporteur from among the members of the Sub-Commission to undertake" were replaced by the words "entrust Mrs. Linda Chavez, as Special Rapporteur, with the task of undertaking";

(c) A new paragraph was inserted as operative paragraph 2 and the remaining paragraphs were renumbered;

(d) A new paragraph was added as operative paragraph 6.

440. Mrs. Daes orally revised the draft resolution by inserting in operative paragraphs 1, 4 and 5 the word "armed" between the words "internal" and "conflict".

441. Mr. Alfonso Martínez proposed amending the draft resolution by inserting: in operative paragraphs 1, 4 and 5 the words "in particular" after the word "including".

442. The amendment was accepted by the sponsors.

443. Statements in connection with the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mrs. Chavez, Mrs. Daes, Mr. Despouy, Mr. Guissé, Mr. Tian Jin and Mr. Yimer.

444. A statement on an estimate of the programme budget implications of implementing the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

445. The draft resolution, as revised and amended, was adopted without a vote.

446. For the text as adopted, see chapter II, section A, resolution 1993/24.

Additional assistance in studying ways and means of resolving problems arising from the former institution of slavery

447. At the 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.13, sponsored by Mrs. Chavez, Mr. Guissé, Mrs. Palley and Mrs. Warzazi. Mrs. Attah and Mr. Maxim subsequently joined the sponsors.

448. The draft resolution was adopted without a vote.

449. For the text of the resolution, see chapter II, section A, resolution 1993/6.

Working Group on Contemporary Forms of Slavery

450. At the same meeting the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.14, sponsored by Mr. Boutkevitch, Mrs. Chavez, Mr. Chernichenko, Mr. Hakim, Mr. Joinet, Mrs. Ksentini, Mr. Maxim, Mrs. Palley, Mr. Ramadhane, Mr. Sachar, Mrs. Warzazi and Mr. Yimer. Mr. Guissé subsequently joined the sponsors.

451. The draft resolution was adopted without a vote.

452. For the text of the resolution, see chapter II, section A, resolution 1993/7.

XVII. PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

(a) Prevention of discrimination and protection of children: human rights and youth

(b) Prevention of discrimination and protection of women

453. The Sub-Commission considered item 16 at its 8th to 10th meetings, on 6, 9 and 10 August 1993.

454. In connection with it consideration of the item, the Sub-Commission had before it the note by the Secretary-General prepared pursuant to Sub-Commission resolution 1992/4 (E/CN.4/Sub.2/1993/33).

455. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (10th), Mr. Boutkevitch (9th), Mrs. Daes (10th), Mr. Guissé (8th, 9th), Mr. Hakim (10th), Mrs. Ksentini (10th), Mrs. Mbonu (9th), Mrs. Palley (10th) Mr. Tian Jin (10th).

456. The observer for Colombia made a statement (10th).

457. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Commission of the Churches on International Affairs of the World Council of Churches (9th), Indigenous World Association (10th), International Abolitionist Federation (9th), International Association of Democratic Lawyers (8th), International Association of Education for World Peace (9th), International Educational Development (10th), International Federation Terre des Hommes (9th), International League for the Rights and Liberation of Peoples (10th), International Movement against All Forms of Discrimination and Racism (9th), International Work Group for Indigenous Affairs (9th), World Organization against Torture (8th).

XVIII. PROTECTION OF MINORITIES

458. The Sub-Commission considered item 17 at its 29th, 34th and 35th meetings, held on 23 and 26 August 1993.

459. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities: report submitted by Mr. Asbjørn Eide (E/CN.4/Sub.2/1993/34 and Add.1-4);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/Sub.2/1993/NGO/7);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/12).

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/27);

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/29).

460. At the 29th meeting, on 23 August 1993, the Special Rapporteur, Mr. Eide, introduced his final report (E/CN.4/Sub.2/1992/34 and Add.1-4).

461. Mr. Maxim and Mrs. Palley, in their function as commentators in accordance with Guideline No. 5 adopted by the Sub-Commission at its forty-fourth session (resolution 1992/8, annex), made their observations.

462. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (29th), Mrs. Attah (29th), Mrs. Chavez (29th), Mrs. Forero Ucros (29th), Mr. Guissé (29th), Mrs. Warzazi (29th), Mr. Yimer (29th).

463. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Human Rights Advocates (29th), International Association of Educators for World Peace (29th), International Council of Jewish Women (29th), International Educational Development (29th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (29th), International League for the Rights and Liberation of Peoples (29th), International Movement against All Forms of Discrimination and Racism (29th), Minority Rights Group (29th), Pax Christi International (29th).

464. Statements equivalent to a right of reply were made by the observers for Cyprus (29th), Morocco (29th) and Turkey (29th).

465. Also at the 29th meeting, on 23 August 1993, the Special Rapporteur made his concluding remarks.

466. At its 34th meeting, on 26 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.9 sponsored by Mrs. Attah, Mr. Boutkevitch, Mrs. Chavez, Mr. Chernichenko, Mrs. Daes, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalifa, Mrs. Ksentini, Mr. Maxim, Mrs. Palley, Mr. Ramadhane, Mrs. Warzazi and Mr. Yimer.

467. Mrs. Daes revised the draft resolution by replacing in the fourth preambular paragraph and in operative paragraphs 1 and 2 the words "national minorities" by the words "national or ethnic minorities".

468. Mr. Alfonso Martínez proposed amending the draft resolution by inserting, in operative paragraph 2, the word "humanitarian" between the word "international" and the word "law".

469. The amendment was accepted by the sponsors.

470. Draft resolution E/CN.4/Sub.2/1993/L.9, as revised and amended, was adopted without a vote.

471. For the text as adopted, see chapter II, section A, resolution 1992/42.

472. At its 35th meeting, on 26 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.39, sponsored by Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Chernichenko, Mrs. Daes, Mr. Despouy, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Yimer and Mr. Yokota.

473. Statements with regard to the draft resolution were made by Mr. Alfonso Martínez and Mrs. Daes.

474. Mr. Alfonso Martínez proposed amending the draft resolution by adding a new paragraph as the last preambular paragraph.

475. The proposed amendment was accepted by the sponsors.

476. The draft resolution was adopted without a vote.

477. For the text as adopted, see chapter II, section A, resolution 1993/43.

478. At the same meeting, Mr. Eide made a statement concerning his report and the resolution adopted.

XIX. FREEDOM OF MOVEMENT

479. The Sub-Commission considered agenda item 18 at its 14th to 17th and 27th meetings, on 12, 13 and 20 August 1993.

480. The Sub-Commission had before it in connection with its consideration of the item a written statement submitted by International Educational Development, a non-governmental organization on the Roster (E/CN.4/Sub.2/1993/NGO/23)

481. At its 15th meeting, on 12 August 1993, Mr. Hatano, Special Rapporteur on the human rights dimensions of population transfer, including the implantation of settlers, introduced the preliminary report on the subject (E/CN.4/Sub.2/1993/17 and Corr.1), submitted under agenda item 8, by Mr. Al-Khasawneh and himself.

482. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Bossuyt (15th), Mr. Chernichenko (17th), Mr. Eide (15th), Mr. Guissé (14th), Mrs. Forero Ucros (15th), Mr. Ramadhane (15th), Mr. Sachar (16th).

483. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Amnesty International (14th), Centre Europe-Tiers Monde (15th), International Commission of Jurists (15th), International Federation of Human Rights (14th), International Lesbian and Gay Association (15th).

484. At the 27th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.25, sponsored by Mr. Alfonso Martínez, Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Hakim, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer. Mrs. Forero Ucros subsequently joined the sponsors.

485. Mr. Guissé revised the seventh preambular paragraph by replacing the word "change" by the words "fight effectively against". The draft resolution as revised, was adopted without a vote.

486. For the text of the resolution, see chapter II, section A, resolution 1993/21.

XX. IMPLICATIONS OF HUMANITARIAN ACTIVITIES FOR THE ENJOYMENT OF HUMAN RIGHTS

487. The Sub-Commission considered item 19 at its 23rd to 27th, 33rd and 34th meetings on 18 to 20, 25 and 26 August 1993.

488. The Sub-Commission had before it the following document in connection with its consideration of the item:

> Preparatory document submitted by Mrs. Claire Palley on the question of the role of the United Nations in international humanitarian activities and assistance and human rights enforcement, bearing in mind the principle of non-interference (E/CN.4/Sub.2/1993/39).

489. The Sub-Commission heard statements by the representatives of the following non-governmental organizations: American Association of Jurists (23rd), Centre Europe Tiers-Monde (25th), International Association against Torture (25th), International Educational Development (27th), International Indian Treaty Council (23rd), International League for the Rights and Liberation of Peoples (23rd), Movement against Racism and for Friendship among Peoples (25th), National Aboriginal and Islander Legal Service Secretariat (25th).

490. At the 33rd meeting, on 25 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.36, sponsored by Mrs. Daes, Mr. Eide, Mrs. Warzazi and Mr. Yimer. Mr. Joinet subsequently joined the sponsors.

491. Mrs. Palley, proposed the following amendments to the draft resolution:

(a) Replace the title of the draft resolution by the following:

"Question of the possible role of the United Nations in activities for the promotion and protection of human rights, in international humanitarian activities and in assistance in relation to the principle of non-intervention";

(b) Insert after the third preambular paragraph, a new preambular paragraph: "Considering that all Member States have the duty to respect and to promote respect for the basic principles of international law enshrined in Article 2 of the Charter", and renumber the paragraphs accordingly;

(c) Insert, after the sixth preambular paragraph, a new preambular paragraph: "Concerned at the possible undertaking of coercive action including the use of military force, for the purpose of promoting, protecting or re-establishing human rights";

(d) Insert, after the seventh preambular paragraph, a new preambular paragraph: "Taking into account the functions and power established in the Charter for the principal organs of the United Nations, in particular those related to the promotion of universal respect for and observance of human rights and fundamental freedoms for all in chapter IX in the Charter";

(e) Insert, in operative paragraph 3, the word "so-called" before the word "international";

(f) Replace operative paragraph 4 by a new paragraph reading as follows: "Decides to request the Commission on Human Rights to appoint Mrs. Claire Palley as Special Rapporteur on the question of the possible role of the United Nations in so-called international humanitarian activities and assistance and other principles of general international law enshrined in the Charter of the United Nations in relation to the principle of non-intervention";

(g) Replace operative paragraph 5, by a new operative paragraph, reading as follows: "Requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its forty-sixth session, a progress report at its forty-seventh and her final report, if possible, to the Sub-Commission at its forty-eighth session";

(h) Replace the text of the draft decision in operative paragraph 7 by the following text: "The Commission on Human Rights, taking note of resolution 1993/... of .. August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Sub-Commission's request to appoint Mrs. Claire Palley as Special Rapporteur on the question of the possible role of the United Nations in so-called international humanitarian activities and assistance in relation to the principle of non-intervention, further endorses the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, including the resources required, to complete her study and requests the Economic and Social Council to adopt the following decision:

The Economic and Social Council endorses Commission on Human Rights resolution 1994/... and decides to appoint Mrs. Claire Palley as Special Rapporteur on the question of the possible role of the United Nations in so-called international humanitarian activities and assistance in relation to the principle of non-intervention, further endorses the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, including the resources required, to complete her study."

492. Mr. Joinet, before joining the sponsors, proposed amending the draft resolution by inserting, after operative paragraph 4, a new operative paragraph.

493. The amendment proposed by Mr. Joinet was accepted by the sponsors.

494. Statements relating to the revised draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mr Bossuyt, Mrs. Daes and Mr. Heller.

495. The Sub-Commission decided to postpone consideration of draft resolution E/CN.4/Sub.2/1993/L.36.

496. At its 34th meeting, on 26 August 1993, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1993/L.36.

497. Mrs. Palley, proposed the following new amendments to draft resolution E/CN.4/Sub.2/1993/L.36 in place of those she had proposed at the 33rd meeting:

(a) To replace the title of the draft resolution by a new title;

(b) To add new wording at the end of the third preambular paragraph after the words "humanitarian activities";

(c) To insert a new fourth preambular paragraph;

(d) To reword the fifth (new sixth) preambular paragraph;

(e) To replace the sixth preambular paragraph by a new (seventh) preambular paragraph;

(f) To insert a new ninth preambular paragraph;

(g) To delete operative paragraph 3;

(h) To replace old operative paragraph 4 by a new operative paragraph 3;

(i) To replace old operative paragraph 5 by a new operative paragraph 4;

(j) To insert a new paragraph as new operative paragraph 5;

(k) To replace operative paragraph 7 by a new operative paragraph.

498. Mr. Sachar proposed the following amendment:

To insert, in the new seventh preambular paragraph, the words "claim for" before the words "possible utilization" and to delete in the same paragraph the words "is in a process of evolution and would benefit from".

499. Mrs. Palley proposed the following further amendment:

To replace, in the seventh preambular paragraph, the word "possible" by the words "the possibility of".

500. The amendments proposed by Mrs. Palley were accepted by the sponsors.

501. Mrs. Forero Ucros proposed replacing, in the new ninth preambular paragraph, the word "power" by the word "competence".

502. This amendment was accepted by the sponsors.

503. Mrs. Ksentini proposed the following amendments to the text:

(a) Delete, in the seventh preambular paragraph, the words "is in a process of evolution";

(b) Delete, in new operative paragraph 3 the words "and the need to further develop international cooperation in the humanitarian field and the promotion and protection of human rights".

504. Statements relating to the draft resolution and the proposed amendments thereto were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mrs. Chavez, Mr. Chernichenko, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Saboia, Mr. Sachar, Mr. Tian Jin and Mrs. Warzazi.

505. A statement on an estimate of the programme budget implications of implementing the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

506. At the same meeting, Mrs. Ksentini moved, under rule 65, paragraph 2 of the rules of procedure of the functional commissions of the Economic and Social Council, not to take a decision on draft resolution E/CN.3/Sub.2/1993/L.36.

507. The motion that the Sub-Commission take no decision on the draft resolution was rejected by 10 votes to 6, with 5 abstentions.

508. At the request of Mrs. Ksentini, the Sub-Commission voted on the amendments she had proposed. The proposed amendments were rejected by 12 votes to none, to 4, with 6 abstentions.

509. At the request of Mrs. Ksentini, the Sub-Commission then voted on draft resolution E/CN.4/Sub.2/1993/L.36, as amended. The resolution was adopted by 14 votes, with 7 abstentions.

510. For the text as adopted see chapter II, section A, resolution 1993/38.

511. Explanations of vote after the vote were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Despouy, Mr. Hakim, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mrs. Mbonu, Mr. Saboia, Mr. Sachar, Mr. Tian Jin and Mrs. Warzazi.

XXI. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-SIXTH SESSION OF THE SUB-COMMISSION

512. The Sub-Commission considered agenda item 20 at its 36th meeting, held on 27 August 1993.

513. In connection with the consideration of this item, the Sub-Commission had before it a note prepared by the Secretary-General in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974 (E/CN.4/Sub.2/1993/L.1), containing a draft provisional agenda for the forty-sixth session of the Sub-Commission, a list of the documents to be submitted under each item and the legislative authority for their preparation.

514. The Sub-Commission recalled its resolutions 1985/34 and 1989/1, in which it decided that the following items would be considered on a biennial basis, starting at its thirty-ninth session for the items:

(a) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

and at its fortieth session for the items:

(a) Human rights and scientific and technological developments;

(b) Encouragement of universal acceptance of human rights instruments.

515. The Sub-Commission took note of the draft provisional agenda (E/CN.4/Sub.2/1992/L.1).

516. The text of the draft provisional agenda for the forty-sixth session of the Sub-Commission reads as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

   Legislative authority: Commission on Human Rights resolution 1993/28 and Sub-Commission resolution 5 (XIV), 1992/8 and 1993/4 and decision 2 (XXXIV).

4. Review of further developments in fields with which the Sub-Commission has been concerned.

   Legislative authority: Sub-Commission resolutions 1993/29, 1993/30, 1993/31, 1993/32, 1993/33 and 1993/37.

Documentation:

(a) Report of the Secretary-General (para. 6 of resolution 1993/29);

(b) Report by the Special Rapporteur (para. 3 of resolution 1993/30);

(c) Report of the Secretary-General (para. 7 of resolution 1993/31);

(d) Final report by the Special Rapporteur (para. 4 of resolution 1993/32);

(e) Report by the Special Rapporteur (para. 2 of resolution 1993/33);

(f) Report by the two Special Rapporteurs (para. 2 of resolution 1993/37).

5. Elimination of racial discrimination:

(a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

(b) Monitoring the transition to democracy in South Africa.

Legislative authority: Sub-Commission resolutions 1993/1 and 1993/3.

Documentation:

(a) Second report by the Special Rapporteur (para. 5 of resolution 1993/1);

(b) Report of the Secretary-General (para. 5 of resolution 1993/3);

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

Legislative authority: Sub-Commission resolutions 1993/10, 1993/12, 1993/14, 1993/15, 1993/18 and 1993/20.

Documentation:

(a) Note by the Secretary-General (para. 5 of resolution 1993/12);

(b) Note by the Secretary-General (para. 8 of resolution 1993/14);

(c) Note by the Secretary-General (para. 8 of resolution 1993/15);

7. The new international economic order and the promotion of human rights:

(a) The role and equal participation of women in development.

Legislative authority: Sub-Commission resolutions 1987/26, 1989/1.

Documentation:

Report of the Commission on the Status of Women (resolution 1987/26).

Report of the Committee on the Elimination of Discrimination against Women (resolution 1987/26).

8. The realization of economic, social and cultural rights.

Legislative authority: Sub-Commission resolutions 1993/34, 1993/35, 1993/36, 1993/40 and 1993/41.

Documentation:

(a) Progress report by the Special Rapporteur (para. 4 of resolution 1993/34);

(b) Interim report by the Special Rapporteur (para. 4 of resolution 1993/35);

(c) Second progress report by the Special Rapporteur (para. 5 of resolution 1993/36);

(d) Preparatory document by Mr. Eide (para. 3 of resolution 1993/40);

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV).

Documentation:

Confidential report of the Working Group and supporting papers.

10. The administration of justice and the human rights of detainees:

(a) Question of human rights and states of emergency.

Legislative authority: Sub-Commission resolution 1993/28.

Documentation:

Annual report and list updated by the Special Rapporteur (para. 6 of resolution 1993/28).

(b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families.

Legislative authority: Commission on Human Rights resolution 26 (XXXVI).

(c) The right to a fair trial.

Legislative authority: Sub-Commission resolution 1993/26.

Documentation:

Final report by the two Special Rapporteurs (para. 3 of resolution 1993/26).

(d) Application of international standards concerning the human rights of detained juveniles.

Legislative authority: Sub-Commission resolution 1993/27.

Documentation:

Report by the Secretary-General (para. 4 of resolution 1993/27).

11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

Legislative authority: Sub-Commission resolution 1993/39.

12. Human rights and scientific and technological developments.

Legislative authority: Commission on Human Rights resolution 1993/91 and Sub-Commission decision 1992/104.

13. Encouragement of universal acceptance of human rights instruments.

Legislative authority: Sub-Commission resolution 1992/1.

Documentation:

(a) Note by the Secretary-General (para. 7);

(b) Report by a member of the Sub-Commission (para. 8).

14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life.

Legislative authority: Sub-Commission resolution 1992/7.

Documentation:

Supplement to the working paper submitted by Mr. M.C. Bhandare (para. 4).

15. Discrimination against indigenous peoples.

Legislative authority: Economic and Social Council resolutions 1982/34 and 1989/77 and Sub-Commission resolutions 1989/38, 1993/44 and 1993/46 and decisions 1992/110 and 1993/110.

Documentation:

(a) Preliminary report by the Special Rapporteur (para. 4 of resolution 1993/44);

(b) Report of the Secretary-General (para. 3 of resolution 1993/46);

(c) Second progress report by the Special Rapporteur (decision 1993/110).

16. Contemporary forms of slavery.

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI) and Sub-Commission resolutions 1989/41, 1993/5, 1993/7 and 1993/24.

Documentation:

(a) Report of the Working Group (resolution 1993/5);

(b) Report by the Special Rapporteur (para. 13 of resolution 1993/5);

(c) Preliminary report of the Special Rapporteur (para. 2 of resolution 1993/24).

17. Promotion, protection and restoration of human rights at national, regional and international levels:

(a) Prevention of discrimination and protection of children: human rights and youth;

(b) Prevention of discrimination and protection of women;

(c) Human rights and disability.

Legislative authority: Commission on Human Rights resolution 1985/13 and Sub-Commission resolution 1993/22.

Documentation:

Report of the Secretary-General (para. 2 of resolution 1992/22).

18. Protection of minorities.

Legislative authority: Sub-Commission resolutions 1989/44 and 1993/43.

Documentation:

Working paper by Mr. Eide (para. 14 of resolution 1993/43).

19. Freedom of movement:

(a) Situation of migrant workers and members of their families.

Legislative authority: Sub-Commission resolution 1993/21.

20. Implications of humanitarian activities for the enjoyment of human rights.

Legislative authority: Sub-Commission resolution 1993/38.

Documentation:

Preliminary report by the Special Rapporteur (para. 4).

21. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-seventh session of the Sub-Commission.

22. Adoption of the report of the forty-sixth session.

XXII. ADOPTION OF THE REPORT ON THE FORTY-FIFTH SESSION

517. At the 36th meeting, on 27 August 1993, the Sub-Commission considered the draft report on the work of its forty-fifth session.

518. At the same meeting, the Sub-Commission adopted the draft report and decided to entrust the Rapporteur with its finalization.

Annex I

AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

4. Review of further developments in fields with which the Sub-Commission has been concerned.

5. Elimination of racial discrimination:

   (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

   (b) Monitoring the transition to democracy in South Africa.

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

7. The new international economic order and the promotion of human rights:

   (a) The role and equal participation of women in development.

8. The realization of economic, social and cultural rights.

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

10. The administration of justice and the human rights of detainees:

   (a) Question of the human rights of persons subjected to any form of detention or imprisonment;

   (b) Question of human rights and states of emergency;

   (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;

   (d) The right to a fair trial.

11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

12. Human rights and disability.

13. Elimination of all forms of intolerance and of discrimination based on religion and belief.

14. Discrimination against indigenous peoples.

15. Contemporary forms of slavery.

16. Promotion, protection and restoration of human rights at national, regional and international levels:

    (a) Prevention of discrimination and protection of children: human rights and youth;

    (b) Prevention of discrimination and protection of women.

17. Protection of minorities.

18. Freedom of movement.

19. Implications of humanitarian activities for the enjoyment of human rights.

20. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-sixth session of the Sub-Commission.

21. Adoption of the report on the forty-fifth session.

Annex II

ATTENDANCE

Members and Alternates

Name	Country of nationality	Term expires in**
Mr. Miguel Alfonso Martínez *Ms. Marianela Ferriol Echevarría	(Cuba)	1996
Mr. Awn Shawkat Al-Khasawneh *Mr. Waleed M. Sadi	(Jordan)	1994
Mrs. Judith Sefi Attah *Mrs. Christy Ezim Mbonu	(Nigeria)	1994
Mr. Marc Bossuyt *Mr. Guy Genot	(Belgium)	1996
Mr. Volodymyr Boutkevitch *Mr. Olexandre Kouptchichine	(Ukraine)	1996
Mrs. Linda Chavez	(United States of America)	1996
Mr. Stanislav V. Chernichenko *Mr. Teimuraz O. Ramishvili	(Russian Federation)	1994
Mrs. Erica-Irene A. Daes	(Greece)	1994
Mr. Leandro Despouy *Mr. Juan Carlos Hitters	(Argentina)	1994
Mr. Asbjørn Eide *Mr. Jan Helgesen	(Norway)	1996
Mrs. Clemencia Forero Ucros *Mr. Jorge Orlando Melo	(Colombia)	1996
Mr. El Hadji Guissé *Mr. Ndary Toure	(Senegal)	1994

---

* Alternate

** Term of office expires upon election of members of the Sub-Commission at the fiftieth (1994) or fifty-second (1996) session of the Commission on Human Rights.

Name	Country of nationality	Term expires in**
Mr. Maksum-Ul-Hakim *Mr. Tofazzal Hossain Khan	(Bangladesh)	1996
Mr. Ribot Hatano *Mr. Yozo Yokota	(Japan)	1996
Mr. Claude Heller *Mr. Héctor Fix Zamudio	(Mexico)	1994
Mr. Louis Joinet *Mr. Alain Pellet	(France)	1994
Mr. Ahmed Khalifa *Mr. Ahmed Khalil	(Egypt)	1996
Mrs. Fatma Zohra Ksentini *Ms. Farida Aiouaze	(Algeria)	1994
Mr. Ioan Maxim *Mr. Petru Pavel Gavrilescu	(Romania)	1996
Mrs. Claire Palley *Mr. John Merrills	(United Kingdom of Great Britain and Northern Ireland)	1994
Mr. Saïd Naceur Ramadhane *Mr. Abdelfettah Amor	(Tunisia)	1996
Mr. Gilberto Vergne Saboia *Ms. Marílla S. Zelner Gonçalves	(Brazil)	1994
Mr. Rajindar Sachar	(India)	1994
Mr. Tian Jin	(China)	1994
Mrs. Halima Embarek Warzazi *Mr. Mohamed Benkaddour	(Morocco)	1996
Mr. Fisseha Yimer	(Ethiopia)	1996

States Members of the United Nations represented by observers

Albania, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belgium, Bhutan, Brazil, Bolivia, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mexico, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovak Republic, Somalia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Ukraine, Uruguay, Venezuela, Viet Nam, Zimbabwe.

Non-member States represented by observers

Holy See, Switzerland.

United Nations

United Nations Compensation Commission, United Nations Office at Vienna, United Nations Development Programme, United Nations Population Fund, United Nations High Commissioner for Refugees.

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, World Health Organization, International Monetary Fund.

Intergovernmental organizations

Agence de Cooperation Culturelle et Technique, Commission of the European Communities, Commonwealth Secretariat, International Organization for Migration, League of Arab States, Organisation for Economic Co-operation and Development, Organization of African Unity, Organisation of the Islamic Conference.

National liberation movements

African National Congress, Palestine, Pan Africanist Congress of Azania.

Other organizations

International Committee of the Red Cross.

Non-governmental organizations

Category I

International Alliance of Women, International Confederation of Free Trade Unions, International Council of Women, International Council on Social Welfare, International Movement ATD Fourth World, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Soroptimist International, World Confederation of Labour, World Federation of Trade Unions, World Federation of United Nations Associations, World Muslim Congress, Zonta International.

Category II

African Association of Education for Development, Afro-Asian People's Solidarity Organization, All India Women's Conference, American Association of Jurists, Amnesty International, Andean Commission of Jurists, Anti-Slavery International for the Protection of Human Rights, Arab Lawyers Union, Arab Organization for Human Rights, Baha'i International Community, Caritas Internationalis, Commission of the Churches on International Affairs of the World Council of Churches, Consultative Council of Jewish Organisations, Coordinating Board of Jewish Organisations, Defence for Children International, Disabled Peoples' International, France-Libertés - Fondation Danielle Mitterand, Friends World Committee for Consultation, Global Education Associates, Human Rights Advocates, Human Rights Internet, Indigenous World Association, International Abolitionist Federation, International Association against Torture, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Educators for World Peace, International Association of Penal Law, International Catholic Child Bureau, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Commission of Jurists, International Council of Environmental Law, International Council of Jewish Women, International Federation of Human Rights, International Federation of Social Workers, International Federation of Women in Legal Careers, International Federation Terre des Hommes, International Fellowship of Reconciliation, International Indian Treaty Council, International Institute of Humanitarian Law, International League for Human Rights, International League for the Rights and Liberation of Peoples, International Organization for the Development of Freedom of Education, International Organisation for the Elimination of all Forms of Racial Discrimination, International Organization of Indigenous Resource Development, International Service for Human Rights, International Union of Latin Notariat, International Union of Lawyers, International Work Group for Indigenous Affairs, Latin American Federation of Associations of Relatives of Disappeared Detainees, Law Association for Asia and the Pacific, National Aboriginal and Islander Legal Service Secretariat, National Council of German Women's Organizations, Oxfam, Pax Christi International, Pax Romana, Robert F. Kennedy Memorial Center for Human Rights, Service Peace and Justice in Latin America, Sierra Club Legal Defense Fund, Inc., Union of Arab Jurists, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Alliance of Young Men's Christian Associations,

World Conference on Religion and Peace, World Federation for Mental Health, World Federation of Methodist Women, World Jewish Congress, World Society of Victimology, World Student Christian Federation, World University Service.

Roster

Article XIX: The International Centre Against Censorship, Centre Europe - Tiers Monde, Christian Solidarity International, Habitat International Coalition, Humanitarian Law Project, Indian Council of South America, Indian Law Resource Centre, International Educational Development Inc., International Falcon Movement - Socialist Educational International, International Federation Action of Christians for the Abolition of Torture, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Humanist and Ethical Union, International Human Rights Internship Program, International Lesbian and Gay Association, International Movement against all Forms of Discrimination and Racism, International Peace Bureau, International P.E.N., International Progress Organization, International Theater Institute, Liberation, Minority Rights Group, Movement against Racism and for Friendship among Peoples, Saami Council, Planetary Citizens, Survival for Tribal Peoples, Third World Movement against the Exploitation of Women, World Association for the School as an Instrument of Peace, World Organization against Torture.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-FIFTH SESSION

1. Statement on estimates of the programme budget implications for perennial activities resulting from mandates of the Economic and Social Council were not submitted, since provisions for such activities are included in the proposed programme budget for 1994-1995 (A/48/6).

2. In all other cases, a statement on an estimate of the programme budget implications of implementing the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of pro cdure of the functional commissions of the Economic and Social Council.

Annex IV

SUB-COMMISSION RESOLUTIONS REFERRING TO MATTERS WHICH ARE DRAWN TO THE COMMISSION'S ATTENTION

1993/2
Elimination of all forms of intolerance and of discrimination based on religion and belief, paragraphs 4 and 5

1993/5
Report of the Working Group on Contemporary Forms of Slavery, paragraphs 8, 17, 26, 39, 43, 44

1993/14
Situation of human rights in the Islamic Republic of Iran, paragraphs 5, 7

1993/19
Situation in Myanmar, paragraph 3

1993/20
Situation of human rights in Iraq, paragraph 6

1993/22
Questions of the human rights of disabled persons, paragraphs 1, 2

1993/27
Application of international standards concerning the human rights of detained juveniles, paragraph 4

1993/29
Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, paragraph 3, 4

1993/31
Discrimination in the context of human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS), paragraph 4

1993/41
Forced evictions, paragraph 6

1993/43
Protection of minorities, paragraph 6, 12

1993/46
Draft United Nations declaration on the rights of indigenous peoples, paragraph 4

Annex V

A. LIST OF STUDIES AND REPORTS COMPLETED AT THE FORTY-FIFTH SESSION OF THE SUB-COMMISSION

Item	Title	Entrusted to	Legislative authority
4	Final report on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms	Mr. van Boven	Sub-Commission resolution 1992/32 and Commission on Human Rights decision 1993/107
4	Final report on problems and causes of discrimination against HIV-infected people or people with AIDS	Mr. Varela Quiros	Sub-Commission decision 1992/108 and Commission on Human Rights resolution 1993/53
11	Report on practices and measures which have served to strengthen or to weaken the independence of the judiciary and the legal profession	Mr. Joinet	Sub-Commission resolution 1992/38 and Commission on Human Rights resolution 1993/44
15	Final study on measures to strengthen respect for the cultural property of indigenous peoples	Mrs. Daes	Sub-Commission resolution 1992/35
18	Possible ways and means of facilitating the peaceful solution of problems involving minorities	Mr. Eide	Sub-Commission resolution 1992/37

B. LIST OF STUDIES AND REPORTS UNDER PREPARATION BY MEMBERS IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Status	Entrusted to	Legislative authority	First submission	Final submission
4	Elimination of harmful traditional practices affecting the health of women and children	Plan of action	Mrs. Warzazi	ECOSOC decision 1992/251 Sub-Commission resolution 1993/33	Forty-first session of the Sub-Commission	The forty-sixth session of the Sub-Commission
4	Human rights and the environment	Final report	Mrs. Ksentini	Sub-Commission resolution 1993/32	Forty-fourth session of the Sub-Commission	Forty-sixth session of the Sub-Commission
4	Recognition of gross and large-scale violations as an international crime	Report	Mr. Chernichenko	Sub-Commission resolution 1993/30 b/	Forty-sixth session of the Sub-Commission	Forty-eighth session of the Sub-Commission
5 (b)	Transition to democracy in South Africa	Second report	Mrs. Attah	Sub-Commission resolution 1993/1 and Commission on Human Rights resolution 1993/19	Forty-fifth session of the Sub-Commission	

Item	Title	Status	Entrusted to	Legislative authority	First submission	Final submission
8	The right to adequate housing	Second progress report	Mr. Sachar	Sub-Commission resolution 1993/36 and Commission on Human Rights decision 1993/103	Forty-fifth session of the Sub-Commission	Forty-seventh session of the Sub-Commission
8	Human rights and extreme poverty	Second progress report	Mr Despouy	Sub-Commission resolution 1993/35	Forty-fifth session of the Sub-Commission	Forty-seventh session of the Sub-Commission
8	Human rights dimensions of population transfer	Progress report	Mr. Al-Khasawneh	Sub-Commission resolution 1993/34	Forty-fifth session of the Sub-Commission	Forty-seventh session of the Sub-Commission
8	Human Rights and income distribution	Preparatory document	Mr. Eide	Sub-Commission resolution 1993/40 b/	Forty-sixth session of the Sub-Commission	
10	The right to a fair trial	Final report	Messrs. Chernichenko and Treat	Sub-Commission resolution 1993/26	Forty-second session of the Sub-Commission	Forty-sixth session of the Sub-Commission

Item	Title	Status	Entrusted to	Legislative authority	First submission	Final submission
10	List of countries which proclaim, extend or terminate, a state of emergency	Annual updated report	Mr. Despouy	Sub-Commission resolution 1993/28	Thirty-eighth session of the Sub-Commission	
10	The question of the impunity of perpetrators of violations of human rights	Report	Messrs. Guissé and Joinet	Sub-Commission resolution 1993/37	Forty-fifth session of the Sub-Commission	Forty-seventh session of the Sub-Commission
10	Privatization of prisons	Special study	A member of the Sub-Commission	Sub-Commission decision 1993/109 b/	Forty-sixth session of the Sub-Commission	
14	Peace and security as an essential condition for enjoyment of human rights	Supplement to working paper	Mr. Bhandare	Sub-Commission resolution 1992/7	Forty-third session of the Sub-Commission	Forty-sixth session of the Sub-Commission
15	Draft principles and guidelines for the protection of the heritage of the indigenous peoples	Preliminary report	Mrs. Daes	Sub-Commission resolution 1993/44 b/	Forty-sixth session of the Sub-Commission	Forty-eighth session of the Sub-Commission
15	Treaties, agreements and other constructive agreements between States and indigenous peoples	Second progress report	Mr. Alfonso Martínez	Sub-Commission decision 1993/110	Forty-third session of the Sub-Commission	Forty-sixth session of the Sub-Commission
16	Explcitation of child labour and debt bondage	Report	Mrs. Warzazi	Sub-Commission resolution 1993/5 b/	Forty-sixth session of the Sub-Commission	Forty-seventh session of the Sub-Commission